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Supplementary list of items proposed for inclusion in the agenda of the fifty-ninth session of the General Assembly*

1. Multilingualism [decision 58/571 of 5 August 2004].

2. Question of the representation of the twenty-three million people of Taiwan in the United Nations [item proposed by Belize, Burkina Faso, Chad, the Gambia, Grenada, Malawi, the Marshall Islands, Nicaragua, Palau, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Swaziland and Tuvalu (A/59/194)].

3. Observer status for the Collective Security Treaty Organization in the General Assembly [item proposed by Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan (A/59/195)].

4. Declaration by the United Nations of 8 and 9 May as days of remembrance and reconciliation [item proposed by Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan (A/59/196)].

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Fifty-ninth session
Item 36 of the provisional agenda*
Culture of peace

Promotion of religious and cultural understanding, harmony and cooperation

Note by the Secretary-General

The Secretary-General hereby transmits the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in accordance with General Assembly resolution 58/128 of 19 December 2003.

Summary

The present report, prepared by the United Nations Educational, Scientific and Cultural Organization (UNESCO), is submitted in accordance with General Assembly resolution 58/128 of 19 December 2003, entitled "Promotion of religious and cultural understanding, harmony and cooperation". The document focuses on three topics: (i) the use of education as a means of promoting sustainable tolerance and peace; (ii) an overview of the activities designed to promote interreligious dialogue; and (iii) the implementation of activities in support of the dialogue among civilizations, which has become a principal focus of the Organization's efforts.

* A/59/150.

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I. Introduction

1. Underlining the importance of promoting understanding, tolerance and friendship among human beings in all their diversity of religion, belief, culture and language, and affirming that interreligious dialogue is an integral part of efforts to translate shared values into actions, in particular efforts to promote a culture of peace and dialogue among civilizations, the General Assembly, by its resolution 58/128, acknowledged that respect for the diversity of religions and cultures, tolerance, dialogue and cooperation can contribute to combating ideologies and practices based on discrimination, intolerance and hatred and help reinforce world peace, social justice and friendship among peoples. Based on these considerations, the Assembly encouraged and urged Governments and States to take a number of measures aimed at, inter alia, promoting, including through education, understanding, tolerance and friendship among human beings in their diversity of religion, belief, culture and language; protecting religious sites and preventing acts or threats of damage to and destruction of these sites; preventing and eliminating discrimination on the grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life; and ensuring that, in the course of their official duties, members of law enforcement bodies and the military, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing them.

2. The United Nations Millennium Declaration also highlighted the importance of tolerance, which it considered one of the fundamental values essential to international relations in the twenty-first century and which should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within or between societies, but rather cherishing them as a precious asset of humanity.

3. The report aims at providing insight into UNESCO activities related to promoting religious and cultural understanding, harmony and cooperation. It is divided into three parts that depict three different approaches to the promotion of cultural and religious understanding. The first part of the document is a snapshot of concrete activities and projects implemented by one sector of UNESCO. The second part of the document deals with the overarching theme of the dialogue among civilizations and cultures, which by a decision of the General Conference, has become a principal focus of the Organization's efforts. This important effort aims at promoting and intensifying the dialogue among cultures and civilizations, emphasizing concrete and practical action, mainly through important international conferences and at the regional and subregional levels. Finally, the third part of the document details the variety of recent activities related to an ongoing, almost decade-long, increasingly multidisciplinary project.

II. Education as a means of promoting religious and cultural understanding, harmony and cooperation

4. The UNESCO commitment to the promotion of religious and cultural understanding and harmony through education is expressed at several levels, through its operational projects and advocacy, networking, research and public-awareness activities.

A. Operational projects

5. Operational activities cover a wide range of areas, helping countries to mainstream mutual and intercultural understanding, integrating a culture of peace values into their national education systems. This is undertaken through teacher-training and the production of educational materials within the framework of education for human rights and culture of peace, as well as by supporting textbooks and school curricula revision. In all of these activities, key emphasis is placed on support for local communities, associations and networks, with specific actions underpinning them. Following are examples of UNESCO operational activities.

Development of textbooks and other learning materials

6. Recent activities in the development of textbooks and other learning materials have focused on cultivating learning societies in which peace, human rights and tolerance are at the core of the curriculum. Since the international experts meeting on textbooks and learning materials (December 2002), several key actions have been launched, including three joint research studies on textbook analysis and revision completed in Israel and Palestine. Following the successful delivery of nearly nine million revised textbooks in response to the emergency situation in Iraq, the activities of the textbook quality improvement programme continue to focus on the development of textbooks and other learning materials from a peace and human rights perspective. The global strategy for textbooks currently under development seeks to establish, in consultation with Member States, a set of standard-setting instruments from which concrete recommendations for Governments, publishers and educators at all levels can be derived. The ultimate aim is to build national capacity for the sustainable development of high quality textbooks and other learning materials that incorporate universally shared values, as seen through local lenses, in ways that promote a worldwide culture of tolerance and peace.

Training on mediation in Hungary

7. Within the context of its educational activities on conflict resolution and the pilot project on mediation in Hungary, following the 2002 needs assessment mission, UNESCO organized a training workshop from 8-12 March 2004, in the cities of Budapest and Kazincbarcika. Organized in collaboration with the Hungarian authorities and the UNESCO National Commission, this workshop aimed to train educational partners on mediation skills for the integration of Roma children into the Hungarian school system. Thirty decision makers, teachers, educators, mediators, social workers and practitioners took part in the event. The successful mission has played an important role in the establishment of a new institution in

Budapest — "Service of mediation in education" — under the aegis of the Ministry of Education.

B. Advocacy, networking and research

Guidelines on intercultural education

8. UNESCO is currently developing a position paper on one of the central issues of current international concerns — the need for education to respect and reflect cultural diversity and to contribute to intercultural understanding and cooperation. This document on education in a multicultural world aims to present the basic guiding principles of intercultural education with the objective of making the UNESCO position clear and to give it wider dissemination. It will clarify some of the key concepts and issues that surround the international debate, resume in a synthetic form the international standard-setting instruments that refer to intercultural education and present a set of practical guidelines on it to guide Member States in developing educational policies in multicultural contexts.

C. Public-awareness activities

Publications on education for peace and conflict resolution

9. UNESCO contributes to the promotion of cultural understanding through several publications and pedagogical manuals for teachers and educators, such as *Best practices on non-violent conflict resolution in and out of school* and the guide *The art of living in peace*, which particularly aims at reaffirming ideals of peace while working to promote harmony between nations.

Publications to promote mother tongue and national/local languages

10. The main activity in the field of language and education that contributes to a culture of peace pertains to the promotion of mother tongue teaching and learning and, over the long term, multilingual education. In particular, the education sector has developed and distributed materials to promote mother tongue and national/local languages and has published documents on indigenous peoples' education and linguistic and biocultural diversity, notably *Sharing a world of difference: the earth's linguistic, cultural and biological diversity* and *Map the world's biocultural diversity: people, languages and ecosystems*. Guidelines on intercultural education were also produced.

11. Secondary education (general, technical and vocational) actions implemented by UNESCO emphasize values on education, dialogue between different cultures, tolerance and gender equity. In particular, international conferences on secondary education, as well as the implementation of the normative instrument, the "Revised recommendation concerning technical and vocational education", emphasize these aspects of education. Furthermore, all resource material developed by UNESCO features images of multiple ethnic groups; (for example the resource kit on science and technology education).

Meeting on education and indigenous peoples

12. An international meeting on education and indigenous peoples was held at UNESCO headquarters (17 November 2003) as part of UNESCO activities aimed at promoting peace and international understanding. Keynote presentations at the November debate included ones by the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the President of the United Nations Permanent Forum on Indigenous Issues, who spoke to the issues and challenges facing indigenous education and to the achievement of quality universal education.

III. Implementation of activities related to the dialogue among civilizations and cultures

13. Further to UNESCO General Conference resolution 39 (20 October 2001), and to the important role conferred upon UNESCO by the Global agenda for dialogue among civilizations, adopted by the General Assembly in resolution 56/6, the organization has intensified its overall action in the area of dialogue among civilizations and cultures.

14. The concept of a dialogue among civilizations has assumed even greater salience in the face of new and multidimensional threats to global peace and security. Action to promote dialogue has attracted renewed attention at the highest political levels throughout the world. The challenge today is to move beyond general agreement about the value of — or the need for — dialogue to concrete approaches and perspectives.

15. Recognizing the need to address a complex range of socio-political issues and parameters, the UNESCO General Conference adopted landmark resolution 47 (16 October 2003), setting out new perspectives on and concrete action for the organization's work in the area of dialogue among cultures and civilizations. Drawing on two key events — the international ministerial conference entitled "Dialogue among civilizations — the quest for new perspectives", held in New Delhi on 9 and 10 July 2003, and "The regional forum on the dialogue among civilizations", held in Ohrid, Former Yugoslav Republic of Macedonia, on 29 and 30 August 2003, General Conference resolution 47 affirmed that tolerance, mutual understanding, respect for diversity, respect for the other, human rights and democratic principles are core values underlying any meaningful dialogue, and underlined the need to address and overcome ignorance and prejudice about the ways and customs of peoples.

16. Resolution 47 further affirmed that respect for the diversity of cultures, including the protection and the promotion of tangible and intangible cultural heritage, values of tolerance and mutual understanding are fostered through multi-civilization discourse and are the best guarantors of peace in the world. The resolution also reaffirmed that acts of terrorism represent an attack against humankind, are strongly rejected by all religions and contravene the values of all civilizations. It emphasized that a commitment to dialogue among civilizations and cultures also represents a commitment against terrorism.

17. Recognizing the need to translate agreed principles and agreements that inspire a dialogue among civilizations and cultures into concrete activities and action

throughout UNESCO programmes, the resolution considered that UNESCO should henceforth be guided in its action by the framework provided by the "New Delhi Declaration on the dialogue among civilizations — quest for new perspectives" and should emphasize the pursuit of concrete activities in the following areas: (i) education, especially through the pursuit of the six "Education for all" goals and efforts to promote quality education; (ii) the sciences and technology, including the role of traditional and local knowledge systems; (iii) cultural diversity in all its dimensions, including world heritage; and (iv) the media and information, and communication technologies.

18. By adopting the "Sana'a call for dialogue among cultures and civilizations", the international symposium held in Sana'a, Yemen, 10 and 11 February 2004, reaffirmed that, in building a sustainable future, dialogue is instrumental everywhere and that new approaches, through concrete action, will be required for education, the sciences, cultural diversity, the media and information and communication technologies, particularly at the regional and subregional levels.

19. The Issyk-Kul Declaration, adopted in Issyk-Kul, Kyrgyzstan, on 11 June 2004, by the international conference "Eurasia in the 21st century — dialogue of cultures or conflict of civilizations?", applauded the collective commitment expressed by all leaders participating in the conference to dialogue, good governance, sustainable development and cultural diversity. The Declaration enjoined all peoples and countries of Eurasia, their youth and political decision makers to engage in and practice dialogue aimed at building and strengthening mutual understanding, trust, respect for the other and cultural diversity, democratic practices and cooperation, with the aim of securing peace, development and prosperity throughout the region.

IV. Programme of action on interreligious dialogue

20. The interreligious dialogue programme, mandated by the UNESCO General Conference at its twenty-sixth session, under its "Roads of faith" project, and modelled after the successful "Silk Roads Projects", was launched in Morocco in 1995. The main objective of the interreligious dialogue programme, considered a relevant dimension of the dialogue among civilizations and cultures, is to promote dialogue between religions and spiritual traditions around the world, in particular in areas fraught by inter- or intra-religious conflicts resulting from mistrust, misunderstanding or ignorance of spiritual traditions and their specific cultures and practices. Hence, the Programme stresses past and present interaction and cross-cultural exchanges among these spiritual traditions, as well as the need to foster reciprocal knowledge between them, to achieve respect for pluralism, beliefs and convictions, the basis for harmony in multicultural and plurireligious societies.

21. This programme has gained fresh impetus since the tragic events of 11 September 2001, when the world recognized the need for a better understanding of religions and their beliefs and practices, in a neutral and objective manner, with a view to promoting dialogue in all spheres, involving religious leaders and their communities, academic experts on religions in all disciplines and civil society as a whole. Since other dramatic events have followed, it is more necessary now than ever not only to strengthen intercultural and interreligious dialogue in the political arena, but also to raise awareness within civil society, particularly among people

prone to fanaticism and extremism due largely to ignorance and prejudice. A more holistic view should be encouraged whereby religion is regarded not only as a set of dogmas and beliefs or as cosmogony, but whereby it also has a special link with human rights (the right to express one's conviction and belief or the right of not to believe), ethics and other social issues, concepts and values. Likewise, the knowledge gathered from studying religions should foster understanding and protection of cultural heritage, both tangible and intangible.

22. Many activities have been undertaken within the context of the UNESCO interreligious dialogue programme to promote reciprocal knowledge and understanding among cultures and religions, stressing mutual respect and recognition, going beyond the concept of tolerance.

A. Regional and geo-strategic coverage

23. The regional and geo-strategic coverage of the interreligious dialogue is paramount, since each cluster of countries might share common problems. UNESCO organized several important meetings at the regional level, such as in Central Asia (Bishkek in 1999, Tashkent in 2000 and Almaty in 2002) and in North Africa and the Mediterranean region (Rabat in 1995 and Malta in 1997). The last one in the series took place in Abuja, covering all of West Africa, a very sensitive region. It allowed for discussion on conflict resolution, the HIV/AIDS pandemic and the role that religious community leaders may play in easing tensions. A declaration, available in English and French, was adopted, and the proceedings are in the process of being finalized. The next meeting, to focus on religions in peace and conflict, where one of the topics will deal with terrorism issues, will take place in Sydney, Australia (November 2004), and will involve participants from the Asia-Pacific area.

B. Education

24. With the purpose of strengthening religious and cultural understanding in order to attain harmony and peaceful coexistence, UNESCO has established 13 Chairs on comparative studies of religions and their specific culture, interreligious and intercultural dialogue in centres of academic excellence in almost all continents. They will be brought together in a formal network — UNITWIN — with the aim of building a common programme of research and learning and to facilitate teacher and student exchange. These Chairs are also specialized in intercultural and interreligious mediation and in training trainers of future school teachers. Likewise, in follow-up to an international survey carried out by UNESCO on teaching intercultural and interreligious dialogue, UNESCO, with other partners, will design and produce manuals or pedagogical tools for a better understanding among young people from different cultural and religious backgrounds. A meeting scheduled to take place in Oslo (2-5 September 2004) will identify the best practices in this field and the focal points of each region, with the aim of examining the role of education in overcoming stereotyped images of the other, obstacles to dialogue and interdisciplinary approaches to overcoming these barriers.

C. Media and communication

25. A year-long academic course was conducted in Geneva (Faculté des lettres — Histoire des religions) that brought together journalists and specialists from all fields of religious studies. The course was aimed at giving future journalists deeper knowledge of religions in their cultural and international context, with a view to combating stereotypes and amalgams in the print media and the information and communication technologies.

26. A meeting of Israeli and Palestinian media professionals took place at UNESCO in December 2003. Following a very intense but frank and professional discussion, the journalists themselves drew up a list of practical follow-up actions to be carried out. Reporters on both sides promised to strive to avoid stereotyping each other as aggressors and to give in their respective media a more humanized picture of the conflict and the two peoples, for instance by naming civilian victims of war and terrorist activities on both sides. They also agreed to actively seek stories that would reveal another dimension of the other side, notably by reporting on cultural or religious events, and health care (organ-exchange) and educational collaboration. The main objective is for each side to get beyond a stigmatized image of the other side. The participants also agreed to establish through UNESCO an electronic dialogue forum designed to advance concrete professional discussions.

D. Human rights

27. It is of the utmost importance to raise awareness among populations, countries and individuals about the right of conviction, which includes the right to believe or not to believe and to express freely one's opinions and convictions without being persecuted for exercising that right. In that connection, the interreligious programme has organized seminars on themes such as "Human rights and freedom of religions: practices in western Europe" (proceedings available), and it will organize another such meeting targeting eastern Europe. The organization will also organize a meeting on the space of religions in a context of laity and citizenship.

E. Conflict resolution

28. The meetings organized in the framework of the interreligious programme aim to restore trust among communities belonging to different cultures and spiritual traditions, and hence to prevent and resolve open tensions and conflicts. A meeting will be held at UNESCO headquarters on reconstruction and reconciliation through intercultural and interreligious dialogue. Special attention will be given to the Middle East by bringing together grass-roots representatives from Palestine and Israel, in order for them to build confidence and to seek common microactivities in community work, such as common schools for children, the twinning of towns, common curricula, leisure, and so forth. Another meeting, to be held in Sydney, Australia, will be on religions in peace and conflict. The Libreville Colloquium should also be mentioned, as a panel was organized for it on the role of traditional spiritual leaders in the prevention and the resolution of conflicts. The Libreville Declaration is also available.

F. Sciences and religion

29. Ethics, bioethics, biogenetics, astrophysics and new scientific technologies related to the human being and the universe are undergoing great transformation. Ethical values stemming from religious systems offer a distinct view on these topics, which also have to be legally framed in order to maintain human dignity while allowing research. In the framework of the interreligious dialogue programme, a seminar on science and spirituality gathered outstanding researchers from various scientific fields and religious, humanistic and atheistic personalities who discussed the theme in Almaty (Kazakhstan) in September 2001.

G. Cultural heritage

Doha statement of the international symposium of ulama on Islam and cultural heritage

30. Following the destruction of the Buddha statues of Bamiyan, UNESCO took action to try to avert future cultural disasters of this type. An international conference of ulama, Islamic religious leaders, was organized in December 2001, to examine the position of the Muslim world towards the preservation of Islamic and non-Islamic heritage. This conference, jointly organized with the Organization of the Islamic Conference, the Islamic Educational, Scientific and Cultural Organization and the Arab League Educational, Scientific and Cultural Organization, resulted in a clear declaration of principles that can be appealed to in the future.

UNESCO Declaration concerning the intentional destruction of cultural heritage

31. At its thirty-second session, the UNESCO General Conference unanimously adopted the UNESCO Declaration concerning the intentional destruction of cultural heritage. This Declaration reaffirms the international community's commitment to fight intentional destruction of cultural heritage in all its forms so that such cultural heritage may be transmitted to succeeding generations. All aspects of intentional destruction are covered — in times of peace, occupation and armed conflict — and States are called upon to fight it with various measures, such as legislative, technical, administrative or others, and by adhering to international agreements on the protection of cultural heritage.

32. The most important provisions of the Declaration relate to issues of State responsibility and individual criminal responsibility. In particular, the former provides for — if and to the extent provided for by international law — State responsibility for the intentional destruction of cultural heritage if the State concerned either intentionally destroys cultural heritage, or intentionally fails to act to prevent such destruction. The latter underscores the need for States to establish their jurisdiction over, and to provide for effective sanctions against, persons who have committed or have ordered acts of intentional destruction. The scope of application of these two provisions differs from the other provisions in the Declaration in that they concern only cultural heritage of great importance for humanity. When applying the Declaration, States should respect international humanitarian law and international rules related to human rights.

V. Conclusions and recommendations

33. **A particularly important dimension of the dialogue among civilizations is interreligious dialogue, which implies dialogue both among religions and within a single religion. Indeed, the key issue raised by the dialogue among civilizations is the place of ethics in the relationship between societies, peoples and individuals. Hence, interreligious dialogue constitutes an essential dimension of the dialogue among civilizations. Many interreligious conflicts are fuelled largely by a search for identity expressed by a retreat into a particular religion or spiritual tradition to the exclusion of all others. Beyond the political factors at work, these antagonistic manifestations or retreats are rooted in ignorance of the intrinsic ideals and objectives shared by all faiths. Interreligious dialogue could be an important factor in highlighting the dynamic interplay between spiritual traditions and their specific cultures, by focusing on their mutual contributions and exchanges. It is therefore even more imperative in this age of globalization for all faiths to work together through joint action to reinvent forms of coexistence for the peoples of the world whose experience of conflict or coexistence constitutes the building blocks of the collective memory of humanity.**

34. **In keeping with its ethical and intellectual mandate, and working in close cooperation with the United Nations Organization, other relevant organizations of the system, NGOs and other civil society components, particularly academia, UNESCO will spare no effort in enhancing implementation of General Assembly resolution 58/128, notably through its own programme on interrreligious dialogue, considered a dimension of intercultural dialogue. In this context, greater synergy will be sought with a number of partners from within and outside the United Nations system who will address similar problems or issues. This includes, but is not limited to, the Office of the United Nations High Commissioner for Human Rights, the European Council, the European Parliament and the European Commission, and intellectual organizations. Given the prominent place of religious issues on the political, social, cultural and scientific agendas of our contemporary world, it is imperative that such a programme be strengthened and pursued in a manner that will provide an enabling environment for international understanding and will contribute to a sustainable culture of peace and non-violence.**

35. **In this context, world religions and beliefs could contribute tremendously to the promotion of a culture of peace if they resolve to, on the one hand, collectively face the problems confronting the world today, such as terrorism and sectarian violence, while, on the other hand, practice tolerance within their respective religious communities and in their inter-faith relations. It is however evident that, notwithstanding important progress in achieving religious tolerance in the world, religious intolerance still persists and constitutes a serious threat to peace and social cohesion. It is therefore of vital importance that the international community encourage interreligious organizations and movements working for peace to engage in more active dialogue and cooperation, with a view to enhancing the values of pluralism. The United Nations and the relevant bodies and organizations of the system, notably UNESCO and the Office of the United Nations High Commissioner for Human Rights, should seek to coordinate their ongoing and future efforts in enhancing**

inter-faith dialogue aimed at highlighting the common heritage of universal values and at counteracting the "hijacking" of religious values for use as a pretext to justify violence, terrorism or exclusion. In this endeavour, emphasis should be placed on concrete and practical action in the domains of education, the sciences, culture and communication. Harmony and tolerance should be promoted through common activities of the United Nations system, involving not only decision makers and religious leaders, but also civil society as a whole, with special attention being paid to marginalized fragile populations. Educational programmes and the production of pedagogical materials should be implemented according to the needs of country clusters and regions, to teach tolerance and recognition respectful of the world's spiritual and cultural diversity. The UNESCO Chairs of the UNITWIN programme on intercultural and interreligious dialogue should be strengthened, as an important tool to guarantee a more objective understanding of religions and their specific cultural and societal values, free of stereotypes and prejudice, to facilitate interreligious mediation in the region where an institution is established. The United Nations University could play an important role in reinforcing this important programme. Local associations and initiatives dealing with intercultural and interreligious mediation, especially in difficult neighbourhoods or towns with a varied population belonging to different cultural, linguistic and confessional backgrounds should be enhanced and should pay particular attention to youth. Likewise, specialized NGOs and local associations should be encouraged to promote the peaceful and harmonious coexistence of communities belonging to different confessions, cultures, languages, ways of life (sedentary and nomadic rural and urban, etc.) and ethnic backgrounds. Traditional spiritualities, in particular the autochthonous ones and those in danger of disappearing because of war, persecution and forced migration, should be inventoried and protected. Associations and initiatives should also seek to protect the fundamental human right of freedom of expression and convictions — the right to believe or not to believe — and should teach it as widely as possible through curricula designed to this end or through informal education, using audio-visual equipment, new technologies and traditional know-how. They should also implement the recommendations or proposals adopted by the congresses, colloquia or any seminar on interreligious dialogue organized by UNESCO.

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Globalization and interdependence: culture and development

Culture and development

Note by the Secretary-General

The Secretary-General hereby transmits to the General Assembly the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of resolution 57/249 of 20 December 2002, entitled "Culture and development".

* A/59/150.

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Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of General Assembly resolution 57/249

Summary

By resolution 57/249, the General Assembly welcomed the Universal Declaration on Cultural Diversity adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its thirty-first session, as well as the main lines of the Action Plan for the implementation of the Declaration appended thereto, proclaimed 21 May the World Day for Cultural Diversity for Dialogue and Development and invited all Member States, intergovernmental bodies, organizations of the United Nations system and relevant non-governmental organizations to adopt a number of measures aimed at ensuring, in cooperation with UNESCO, the implementation of the Action Plan. That series of measures includes the preservation of cultural heritage, the formulation of policies pertaining to tangible and intangible cultural heritage, the raising of public awareness, the prioritization of the adoption of policies to promote the cultural, economic and physical well-being of indigenous peoples, the use of information technologies in encouraging diversified contents in the media and the establishment of cultural industries.

The Assembly also addressed recommendations to UNESCO, encouraging it to promote greater awareness of the crucial relationship between culture and development and, in conjunction, as appropriate, with other relevant United Nations bodies and multilateral development institutions, to continue to provide support, upon request, to developing countries, in particular as regards national capacity-building and access to information and communication technologies, for the implementation of international cultural conventions.

The present report is submitted pursuant to paragraph 8 of the resolution, by which the Assembly requested the Secretary-General, in consultation with the Director-General of UNESCO and other relevant United Nations bodies and multilateral development institutions, to submit to it at its fifty-ninth session a progress report on the implementation of the resolution.

Introduction

1. The efforts of UNESCO to promote and advance the inherent link between culture and development were further strengthened on 2 November 2001, when its General Conference adopted the Universal Declaration on Cultural Diversity[1] and the main lines of the action plan for its implementation.[2] Concurrently, for the first time, the international community unanimously agreed on defining cultural diversity as necessary for humankind as biodiversity is for nature and as the common heritage of humanity (art. 1 of the Declaration).

2. The Declaration is aimed at defining, in the context of globalization, an instrument that would serve for the elaboration of national cultural policies and of their articulation in conjunction with international normative instruments. It is grounded on a number of fundamental principles, notably the respect of all cultural identities and the participation of all in democratic States, the need to contribute to the emergence of a favourable atmosphere of empowerment, the necessity to respect and generate respect for human rights and democracy, the principle of the free circulation of ideas and of media pluralism, and the linkages between cultural diversity and human development.

Programmes for culture and development

3. The purpose of the UNESCO programmes for culture and development is to further dialogue and action-oriented ideas from all sectors of society in order to:

(a) Clarify the current understanding of cultural diversity, based not only on top-down processes (politicians, academics, policy makers and policy influencers) that are supposed to trickle down into wider society, but also on awareness-raising among a wider audience;

(b) Explore the existing, and the countless other links among cultural diversity, dialogue and development, which are understood not simply in terms of economic growth but also as a means of achieving a more satisfactory intellectual, emotional, moral and spiritual existence (art. 3 of the Declaration). To achieve this aim, a methodology for development is needed for policy makers, which would take into account cultural resources and their impact within the development process;

(c) Deliver better policies targeted with creative partnerships at the most appropriate level. To be effective, policies need not only to build upon the relationship between cultural diversity and development, but also to demonstrate the added value that the inclusion of cultural diversity offers to development, that is, to bring cultural policy and development policy closer together and to strengthen capacities, opportunities and frameworks for collaboration.

4. Cultural diversity is by definition an enduring and central feature of the United Nations system in general and, more particularly, of UNESCO, which is entrusted with the mandate to ensure the preservation and promotion of the fruitful diversity

[1] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. I: *Resolutions*, chap. V, resolution 25, annex I.

[2] Ibid., annex II.

of cultures. Nevertheless, the way in which cultural diversity has been conceived at a theoretical level and then implemented at the practical level has varied substantially over recent years. The mandate has become all the more crucial in this early twenty-first century era of globalization. The World Summit on Sustainable Development, held in Johannesburg in 2002, provided the international community in general, and UNESCO in particular, with an opportunity to draw upon the wealth of experience accumulated and enhanced in the course of a long process given emphasis by the World Conference on Cultural Policies, held in Mexico City in 1982, the World Decade for Cultural Development (1988-1997), the 1996 report of the World Commission on Culture and Development (Our Creative Diversity), the Stockholm Intergovernmental Conference on Cultural Policies for Development, held in 1998, and the UNESCO Universal Declaration on Cultural Diversity. Development models produced since the 1970s have clearly failed, despite constant revision in successive international decades, to live up to the expectations that they raised. The new challenges arising from globalization make it increasingly important to redefine the relationship between culture and development and, more specifically, among diversity, dialogue and development. Cultural diversity, far from being divisive, should enable individuals, societies and peoples to share a common enriching and multifaceted heritage. This shared heritage underpins the sustainability of development for all.

5. The framework defined by the Declaration anchors the work of UNESCO in the field of culture and development. About 20 countries from Africa, Asia and Latin America requested technical assistance from UNESCO for the reorganization and/or fine-tuning of their cultural policies with a view to incorporating development objectives and methodologies relating to culture within the educational, economic, health and communication sectors. Hence, the holding of international training seminars for cultural managers in this regard (Maputo, Santiago and Turin). There was also cooperation with member States in the elaboration of national cultural indicators. In addition, UNESCO assists member States in the implementation of cultural tourism policies, based on the relationship among culture, tourism and development, and in the devising of cultural tourism policies and their application thorough the implementation of pilot projects in developing countries and the least developed among them.

6. The main objective of the UNESCO UNITWIN University Network (Culture, Tourism and Development) is to enhance cooperation among universities with regard to training in tourism, which includes durable dimensions and cultural diversity. In cooperation with the International Centre for the Study of the Preservation and Restoration of Cultural Property, an international workshop with tourism guide editors was held in Rome, on 4 and 5 July 2003, with a view to sensitizing tourism actors to the relationship between culture and tourism so that the latter becomes a tool of knowledge and dialogue between cultures and contributes to development The proceedings of the workshop were published and widely distributed to member States.

7. The project on culture, tourism and development in West Africa, conceived within the framework of the New Partnership for Africa's Development, is oriented towards the improvement of cultural tourism policies (e.g., Dakar seminar, held in May 2002) and the implementation of concrete projects in Burkina Faso, Cape Verde, Ghana, Mali, the Niger and Senegal.

8. The Sahara of cultures and people project is aimed at combating poverty, considered as a violation of fundamental human rights. Following seminars held in Sidi Bou Saïd, Tunisia (April 2002) and Ghardaïa, Algeria (April 2003), a network of experts from 10 Saharan countries was formed, and a global strategic approach to development, founded on the enhancement of natural and cultural heritage through the active participation of the population, was defined. The second phase of the project entails the implementation of field activities illustrating the adopted strategy, in cooperation with United Nations agencies, funds and programmes such as the United Nations Development Programme and the United Nations Environment Programme, and with the World Trade Organization, particularly in regard to the project on the ksours route, for which a fund-raising presentation was made during the meeting of the international community held in Algiers in February 2003.

9. Taking into account the first main line of the Action Plan for the implementation of the Declaration and in conformity with resolution 34 adopted by the UNESCO General Conference at its thirty-second session, held in October 2003, the Director-General of UNESCO initiated the elaboration of a preliminary draft of a convention on the protection of the diversity of cultural content and artistic expression. Three meetings of experts were covened between December 2003 and May 2004, with a view to launching a preliminary reflection on the objectives and challenges of the future convention and to drafting a preliminary text. The first intergovernmental expert meeting is scheduled to be held in September 2004. The convention would be a tool to promote creativity and dynamic interaction among diverse cultural expressions. It will also be aimed at reinforcing international solidarity in supporting those countries whose cultural expressions are threatened in view of the current imbalance in the flow and exchange of cultural goods and services, and establishing cultural industries that are viable at the national and international levels. In October 2005, the Director-General of UNESCO will submit the text of a draft convention to the General Conference of UNESCO for its consideration.

10. Pursuant to paragraph 4 of General Assembly resolution 57/249, the UNESCO member States celebrated, on 21 May 2004, the second World Day for Cultural Diversity for Dialogue and Development, with a large number of participants from civil society. The celebration coincided with the International Year to Commemorate the Struggle against Slavery and its Abolition, 2004, which marked the 200th anniversary of the creation of the first black republic in Haiti. The World Day in 2004 was thus an occasion for member States, beyond a simple celebration of cultural diversity, to renew their moral commitment to the creation of a more equitable and peaceful society.

11. With a view to improving the dissemination to young people of the message of the Universal Declaration on Cultural Diversity, UNESCO published a youth-friendly version of the Declaration, *All Different, All Unique*. In the brochure, each article of the Declaration is presented in a youth-friendly language, along with a series of questions that will guide young people in discussing the various issues of cultural diversity.

12. As a follow-up to the World Summit on Sustainable Development, UNESCO launched an action line around the theme of interlinkage between biodiversity and cultural diversity for sustainable development, jointly implemented by the UNESCO culture and natural science sectors. The action aims at furthering understanding of

the relationship between biodiversity and the cultural assets of a community, thereby seeking to identify better policy for the promotion of both forms of diversity. Topics such as the linkage between sacred sites and biodiversity protection, the impact of local traditional knowledge in the sustainable use of natural resources and the role of traditional languages in the transmission of knowledge are being studied.

13. The United Nations Educational, Scientific and Cultural Organization works towards enhancing the identity of and fostering a sense of multicultural citizenship among its member States. Workshops were conducted to serve as forums for interdisciplinary exchanges between indigenous and non-indigenous experts. These initiatives are aimed at encouraging the recognition and revitalization of indigenous groups' cultural resources, which are inherently tied to their identities, and at fostering the sharing of knowledge and best practice related to cultural pluralism. The mapping of indigenous cultural resources carried out by the communities concerned constitutes a crucial step towards demonstrating how cultural diversity can enrich societies. UNESCO provides support to pilot field projects throughout the world, thereby facilitating greater interaction among bearers of knowledge. Training and consultative activities in this area and the development of methodological tools also benefit some of the most marginalized communities. Further information on these issues may be found at http://www.unesco.org/culture/indigenous.

14. At the invitation of the Secretary-General, the Director-General of UNESCO addressed the General Assembly, on 31 October 2003, in regard to the follow-up to the United Nations Year for Cultural Heritage (2002). This was the first such occasion in the history of the two institutions. The aim was to make the public authorities and the international community aware of the broader concept of cultural heritage and the actual issues at stake, which go well beyond the focus on monuments to which cultural heritage is all too often confined.

15. Cultural heritage, beyond its aesthetic, economic, or even sentimental value, has a profound meaning for all humanity, relating back to the memory of peoples, their multiple identities, and to its potential for creativity, cultural diversity and dialogue. It is an all-encompassing notion that evokes the universal nature of human ingenuity expressed in creativity. It encompasses not only cultural vestiges in the form of monuments but also, and above all, living culture and its innumerable forms of expression, known as the intangible heritage. This broader concept of cultural heritage makes it clear that culture can only be understood as a whole. Cultural heritage, viewed from a broader perspective, is rich in its diversity, that is, not only its diversity of expression but also of influence and affiliations, so that it simultaneously symbolizes the cultural identity of peoples and communities, expresses the collective memory of humanity and is indicative of its future. Diversity guarantees creative and sustainable relationships between the past and the future, and between heritage and development. This is the main message of the UNESCO Universal Declaration on Cultural Diversity, which affirms that it is on such diversity that all development efforts must be founded. The World Summit on Sustainable Development elaborated on that message by maintaining that, to be genuinely sustainable, development must reconcile social, economic and human demands. There can be no development without participation, empowerment and inclusion, and only culture can provide the means of fostering such participation. If local people are to be involved in identifying their development requirements and projects, we must recognize the diversity of approaches, choices and values that

underlie their development plans: in short, we must incorporate cultural diversity into the blueprint for future societies. Culture may not, therefore, under any circumstances be regarded as an option to be added to the material goals of development. It is only on the foundations of human capital, enriched and renewed by cultural heritage, that future societies can be built and developed. This is the basic premise of the indivisibility of culture and development, which are interlocking bases for the advancement of democracy and equity throughout the world. From the same standpoint, the member States of UNESCO have mandated the organization to draw up an international convention on the diversity of cultural content and artistic expression. Culture cannot be kept waiting: it is central to all progress to be made in the service of humankind.

Conclusions and recommendations

16. **It is necessary to establish functional linkages among the relevant international instruments pertaining, in part or in total, to the cultural dimension of development, such as the Plan of Action adopted by the Stockholm Intergovernmental Conference on Cultural Policies for Development, the UNESCO Universal Declaration on Cultural Diversity and the World Summit on Sustainable Development, with a view to reviewing the role of culture in the development process and providing a more adequate response to the challenges of globalization. In the aftermath of the World Summit, which emphasized the need to investigate further the interaction among diversity, dialogue and development, the need arises to expand the concept of sustainability — so far used almost exclusively in economic and environmental terms — so as to give culture a key role in the follow-up to the Summit.**

17. **United Nations organizations with a mandate in human development, notably UNESCO, have a special responsibility in helping member States to evaluate their national policies and in identifying new partnerships that will provide a common platform for development policies and cultural policies. To have a long-lasting impact on the development process, this review should cover the various fields of the cultural sector (management, training, administration, financing, including statistical data collection and analysis, etc.) as they relate to the various components of development policies, such as education, science and technology, communication, health, tourism, environment, use of land, fresh water and the sea etc.**

18. **In this respect, it is highly desirable for policy makers in developing countries to recognize the central role of cultural industries (book publishing, film-making, music recording, multimedia and crafts) as not only vehicles of cultural identities but also a driving force for sustainable development, cultural as well as economic. Organizations of the United Nations system (UNESCO, the International Labour Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme etc.), in partnership with relevant regional organizations, such as the Inter-American Development Bank, the Caribbean Community, the Organization of American States, concerned non-governmental organizations, foundations and the private sector are called upon to contribute to the emergence or strengthening of small**

and medium-sized companies in cultural industries and such enterprises as musical production, fashion or design.

19. **Institutions of higher learning in developing countries should endeavour to integrate the cultural dimension, both human and economic, of sustainable development in school curricula. In this regard, the UNESCO Chairs mechanism should be enhanced.**

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Globalization and interdependence: preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin

Crime prevention and criminal justice

Preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin

Report of the Secretary-General

Summary

The present report, prepared pursuant to General Assembly resolution 58/205 of 23 December 2003, contains a summary of the responses received from Croatia, Nigeria, Norway, Pakistan, Slovakia, Slovenia and Turkey. It also provides a summary of the legal framework of asset recovery under the newly adopted United Nations Convention against Corruption, highlighting recent international initiatives in that area, and includes a brief analysis of how the Convention and the recent initiatives tackle the issue of asset recovery, followed by conclusions and recommendations.

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I. Introduction

1. In its resolution 58/205 of 23 December 2003, the General Assembly welcomed the adoption of the United Nations Convention against Corruption (resolution 58/4, annex); invited all Member States and competent regional economic integration organizations to sign, ratify and fully implement the Convention as soon as possible in order to ensure its rapid entry into force; encouraged all Member States that had not yet done so to enact laws to prevent and combat corrupt practices and the transfer of illicitly acquired assets and for the return of such assets to the countries of origin, in accordance with the Convention; encouraged subregional and regional cooperation, where appropriate, in the efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin and for the return of such assets to the countries of origin; called for further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and address the transfer of assets of illicit origin, as well as to return such assets to the countries of origin; requested the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing corrupt practices and the transfer of assets of illicit origin, returning such assets to the countries of origin and formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sector; and requested the Secretary-General to submit a report to it at its fifty-ninth session on the implementation of the resolution.

2. The Ad Hoc Committee for the Negotiation of a Convention against Corruption agreed on the use of the generic term "asset recovery" to replace the phrase "preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin" in the United Nations Convention against Corruption. Accordingly, the term "asset recovery" is also used in the present report, which is submitted pursuant to General Assembly resolution 58/205.

II. National measures

3. Pursuant to General Assembly resolution 55/188 of 20 December 2000, the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime submitted a report to the Assembly at its fifty-sixth session on the prevention of corrupt practices and illegal transfer of funds (A/56/403 and Add.1) containing the responses received from Member States and relevant bodies of the United Nations system regarding measures adopted to implement resolution 55/188 of 20 December 2000, including action against corrupt practices and the issue of preventing and combating the transfer of funds of illicit origin and returning such funds. Twenty-nine States provided replies at that time: Algeria, Bahamas, Bahrain, Bosnia and Herzegovina, Brazil, Cook Islands, Estonia, France, Greece, Guyana, India, Italy, Japan, Kuwait, Malaysia, Malta, Mauritius, New Zealand, Panama, Peru, Philippines, Spain, Switzerland, Syrian Arab Republic, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Zimbabwe. Replies were also received from two bodies of the United Nations system, the United Nations Development Programme and the United Nations

Conference on Trade and Development. Many responses included copies of national legislation and recent legal reforms in the area, the status of ratification of relevant treaties and a description of international or regional initiatives. The report also provided an analytical overview and specific recommendations concerning the return of illegally transferred funds to the countries of origin.

4. A further report (A/57/158 and Add.1 and 2) was submitted to the General Assembly at its fifty-seventh session in response to resolution 56/186 of 21 December 2001. The following 28 States provided information on progress made in the implementation of resolution 56/186 or updated the replies that had appeared in the previous report of the Secretary-General: Azerbaijan, Bolivia, Brazil, Bulgaria, Colombia, Croatia, Czech Republic, Germany, Greece, Haiti, Hungary, Jordan, Mauritius, Mexico, Monaco, Myanmar, Oman, Pakistan, Poland, Republic of Korea, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey and Ukraine. The topics covered in the responses included national anti-corruption programmes, domestic legislation and reform plans, institutional arrangements and relevant international legal instruments ratified. Considering that national legislation on the subject in many parts of the world was inadequate and the question of the transfer of funds of illicit origin and the return of such funds had not been specifically regulated by any of the existing treaties, the report concluded that the forthcoming convention against corruption could make a significant contribution to the fight against corruption.

5. A report was also submitted to the General Assembly at its fifty-eighth session, complementing the previous report of the Secretary-General with an additional response provided by Lebanon (A/58/125).

6. During the period under review, the Governments of Nigeria and Norway have provided information on progress made pursuant to General Assembly resolution 58/205, with detailed explanatory notes on their national legislation and measures concerning asset recovery. In addition, the Governments of Croatia, Pakistan, Slovakia, Slovenia and Turkey updated the information with regard to progress made in the implementation of General Assembly resolutions 55/188 and 56/186 contained in previous reports of the Secretary-General.

Croatia

7. The Government of Croatia reported that, since 2002, progress made by it included ratification of the Council of Europe Civil Law Convention on Corruption of 5 June 2003,[1] which became effective on 1 November 2003 for Croatia, as well as signature of the United Nations Convention against Corruption on 10 December 2003, which the Government indicated would be ratified in the near future. In that connection, the Government was considering establishing a new anti-corruption body to implement preventive anti-corruption measures in accordance with the United Nations Convention against Corruption.

8. New developments with regard to national legislation and measures on anti-corruption and asset recovery since 2002 were also mentioned. With a view to strengthening the role of the Office for the Suppression of Corruption and Organized Crime, established as a specialized state attorney's service for action against criminal offences of corruption and organized crime, the Ministry of Justice was preparing amendments to the Act on the Office in order to ensure coordination

among state attorneys, judges and the police in the fight against corruption and organized crime. In addition, the Criminal Procedure Act had been amended in May 2002 so as to contribute to faster and more efficient prosecution of criminal offences related to corruption. In order to bring substantive criminal law in line with international standards, in particular, the United Nations crime conventions and the Council of Europe Criminal Law Convention on Corruption[2] and other conventions of the Council, amendments to the Penal Code had been sent to governmental and parliamentary bodies in early April 2004.

9. In addition to those amendments to the existing legislation, the Government had enacted several new laws. The Witness Protection Act had entered into force on 1 January 2004 and a special unit had been established in the Ministry of the Interior. Moreover, the Act on Criminal Liability of Legal Persons (*Official Gazette*, No. 151/03), which incorporated the principles of the United Nations crime conventions, had also been enacted to address the increasing problems of economic, corruption and other criminal offences where a legal person was responsible for criminal activity and the user of illegally gained proceeds. The Act on Preventing Conflict of Interest had been enacted in October 2003 (with amendments on 5 July 2004) with a view to complementing other criminal regulations and resolving conflicts of interest arising from situations where public officials had a private interest that affected or could affect impartiality in the performance of their public duties. Another important law was the Act on Foreigners, which included measures to protect victims, as well as cooperation with non-governmental organizations. The Act on Asylum had been enacted on 1 July 2004.

10. Taking into account the importance of transparent, open and fair public administration in the prevention of corruption, Croatia had adopted the Act on the Right of Access to Information of 16 October 2003, which created a legal framework for the protection of the right of access to information in line with the new Media Act and the Personal Data Protection Act.

11. The Government of Croatia also indicated that the new law on funding of political parties was expected to be adopted in 2004 with a view to ensuring that funding of political parties followed the principle of transparency in the use of budgetary funds and that limitations were imposed on donations by individuals and firms who might ask for privileges and special status in exchange.

Nigeria

12. The following measures were reported to have been taken pursuant to paragraphs 7 and 8 of General Assembly resolution 58/205: measures to combat corruption, economic and financial crime and money-laundering. With regard to anti-corruption measures, Nigeria had enacted the Corrupt Practices and Other Related Offences Act in 2000, which sought to prohibit and prescribe punishment for corrupt practices and related offences. It had also established the Independent Corrupt Practices and Other Related Offences Commission, vesting it with responsibility for investigation and prosecution of offenders in that area. In addition, the Act contained provisions for the protection of whistle-blowers who provided information to the Commission in relation to offences committed or likely to be committed by any other person. In 2003, an amendment had been submitted to the National Assembly in order to strengthen the Act, as well as to take cognizance of the Convention against Corruption. The Government had also strengthened

preventive measures against corrupt practices and fraudulent tendencies, which hindered national development.

13. As regards measures to combat economic and financial crime, in 2002 the Government of Nigeria had enacted the Economic and Financial Crimes Commission (Establishment) Act, which set up the Economic and Financial Crimes Commission to be responsible, inter alia, for the prevention, detection and investigation of economic and financial crimes, as well as for the prosecution of the culprits. The Act of 2002 had been replaced with the Economic and Financial Crimes Commission (Establishment) Act of 2004, which was more comprehensive, effective and result-oriented. In addition, section 1 (2c) of the Act of 2004 designated the Financial Intelligence Unit of Nigeria in the Commission. The Economic and Financial Crimes Commission had been functioning effectively since its formal establishment in 2003.

14. At the beginning of 2004, the Government had enacted a new Money-Laundering (Prohibition) Act of 2004, which amended the Money-Laundering (Prohibition) Act of 2003. The new Act contained comprehensive provisions to prohibit the laundering of proceeds of illicit origin, expanding the interpretation of "financial institutions" and their obligations with a view to maintaining due diligence and vigilance for the purposes of transparency, prevention and detection of the placement of funds of illicit origins.

Norway

15. Norway reported that it had amended its national legislation regarding corruption through the following new provisions in its Penal Code: § 276a, b and c on 4 July 2004. New section 276a read as follows:

> "Any person shall be liable to a penalty for corruption who (a) for himself or other persons, requests or receives an improper advantage or accepts an offer of an improper advantage in connection with a post, office or commission, or (b) gives or offers anyone an improper advantage in connection with a post, office or commission. By post, office or commission in the first paragraph is also meant a post, office or commission in a foreign country. The penalty for corruption shall be fines or imprisonment for a term not exceeding three years. Complicity is punishable in the same manner."

In addition, section 276b established that gross corruption was punishable by imprisonment for a term not exceeding 10 years and section 276c extended the scope of corruption to trading in influence. While the three amendments had been made with a view to implementing Norway's obligations under the Council of Europe Criminal Law Convention on Corruption and its Additional Protocol,[3] section 276a went further in criminalizing corrupt behaviour than was required by that Convention.

16. With regard to new provisions on asset recovery, in particular implementing provisions relevant to article 57 of the United Nations Convention against Corruption, the Government of Norway was in the process of reviewing and amending its legislation. On 2 July 2004, the Ministry of Justice had presented a draft proposal for the new provisions on asset recovery that was expected to be adopted by the end of 2005.

Pakistan

17. The Government of Pakistan provided detailed information with regard to progress made in the fight against corruption, as well as new initiatives since the last report. The National Accountability Ordinance had been promulgated in order to circumvent various forms of corruption and resolve the weaknesses of earlier laws. The National Accountability Bureau had successfully prosecuted senior bureaucrats, military personnel, politicians and businessmen on charges of corruption and corrupt practices. The Bureau had also devised the National Anti-Corruption Strategy, which was currently in the implementation phase. The Strategy recommended a detailed anti-corruption action plan for all pillars of the national integrity system, that is, the legislature, the executive, the judiciary, public accountability bodies, anti-corruption agencies, the media, civil society and the private sector. It also recommended a comprehensive anti-corruption approach for Pakistan, encompassing awareness, prevention and enforcement.

18. The State Bank of Pakistan, the central bank of the country, had taken concrete steps to prevent the use of banking channels for the transfer of funds of illicit origin, including the establishment of an Anti-Money-Laundering Unit, issuance of guidelines to banks and financial institutions, as well as regulation of the business of money-changers (*bureaux de change*).

19. Pakistan had been among the first signatories of the United Nations Convention against Corruption. With a view to raising awareness about the Convention, an international conference had been organized in April 2004, at which delegates had endorsed the anti-corruption initiatives of the Asian Development Bank and the Organization for Economic Cooperation and Development. Leading anti-corruption experts and representatives of international organizations had attended the conference and the provisions of the Convention and possibilities of enhancing international and regional cooperation had been discussed.

Slovakia

20. Since 2002, progress made by Slovakia with regard to international and regional instruments included the entry into force of the Council of Europe Civil Law Convention on Corruption on 1 November 2003; the signature of the United Nations Convention against Corruption on 9 December 2003; and the approval of accession to the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union[4] by the National Council of Slovakia on 14 May 2004 (the technical conditions for accession to the latter Convention are in preparation). In addition, the effectiveness of the measures adopted by the Slovak authorities in order to comply with the requirements with regard to proceeds of corruption, public administration and corruption as well as legal persons and corruption had been evaluated by the evaluation team of the Group of States against Corruption of the Council of Europe in the second evaluation round.

21. The Government of Slovakia had provided for its legislative framework for the fight against corruption, according to which the definition of corruption was in full compliance with the requirements of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I). By amending the Penal Code (No. 421/2002 Coll.), the Government had harmonized

the Code with the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime of the Council of Europe,[5] as well as the Council framework decision of 26 June 2001 on money-laundering.[6] Additional highlights included a new Penal Code and Code of Criminal Procedure, which was scheduled to be adopted in late 2004 and to enter into force on 1 April 2005. The new Penal Code would establish the criminal liability of legal persons in line with the recommendations made by the Group of States against Corruption of the Council of Europe and the Organization for Economic Cooperation and Development, as well as the conditions set by the European Union directive on corruption in the private sector.[7]

22. With a view to making the fight against corruption and organized crime more effective, the Ministry of the Interior had carried out a comprehensive reform of the police force, within which the Office for the Fight against Corruption had been established. The Office addressed the most serious forms of corruption and aimed at eliminating corruption, in particular in the fields of public administration, the judiciary and the health sector, as well as in the sphere of international grants and protection of the financial interests of the European Communities. The Government was to organize a ministerial conference on the fight against corruption in the health sector in October 2004, which would adopt a charter and establish a European Union-level central body for its implementation.

Slovenia

23. Slovenia reported that it had ratified the Council of Europe Civil Law Convention on Corruption in 2003 (*Official Gazette RS*, No. 35/2003). In 2004, the Government had adopted the Law on the Prevention of Corruption (*Official Gazette RS*, No. 2/2004), which established the independent Commission for the Prevention of Corruption with coordinative and preventive tasks in the fight against corruption. In addition, the Law on Amendments to the Criminal Code had been adopted (*Official Gazette RS*, No. 40/2004) in order to bring the definitions of foreign and international public officials, as well as the description of the corruption offences, into compliance with the Council of Europe Criminal Law Convention on Corruption and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development.[8] In the amendments, the sanction for the basic criminal offence of money-laundering (art. 252 of the Criminal Code) had been increased from three to a maximum of five years of imprisonment. On 16 June 2004, the Slovenian Parliament had adopted a national strategy for the fight against corruption, the Resolution on the Prevention of Corruption in the Republic of Slovenia, which introduced 172 measures against corruption, including seizure and confiscation of the proceeds of all crime, as well as provisions on the reversal of the burden of proof. Those measures would become effective in the Action Plan for the Implementation of the Resolution.

24. The Government of Slovenia also indicated that accession to the United Nations Convention against Corruption was one of its priorities and that it intended to complete the accession procedure by the end of 2004.

Turkey

25. Turkey reported having ratified the Council of Europe Civil Law and Criminal Law Conventions on Corruption and having been a member of the Group of States against Corruption since 1 January 2004. It had also signed the United Nations Convention against Corruption and had started the domestic proceedings required for its ratification.

26. An amendment had been made to article 221 of the Turkish Penal Code, which defined bribery. With that amendment, the relevant provisions of the Penal Code also applied in the case of bribery of foreign officials, as foreseen in the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic and Cooperation Development. The Law on the Prevention of Money-Laundering had also been amended so as to make offences related to bribery predicate offences. In addition, Turkey had established the criminal liability of legal persons for bribery without prejudice to the criminal liability of natural persons who committed acts of bribery.

27. Moreover, the Law on the Establishment of a Board of Ethics for Public Officials (Law No. 5176) had been enacted and put into effect upon promulgation in the *Official Gazette* on 8 June 2004, with a view to establishing a code of ethics that public officials needed to adhere to for the correct and proper performance of their public functions.

III. Legal framework for asset recovery under the United Nations Convention against Corruption

A. Background

28. In its resolution 56/260 of 31 January 2002, the General Assembly decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption should negotiate a broad and effective convention; and requested the Ad Hoc Committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider several elements, including preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds. The issue of asset recovery was discussed extensively during all seven sessions of the Ad Hoc Committee. In order to assist delegations, a technical workshop featuring expert presentations on asset recovery was held in conjunction with the second session of the Ad Hoc Committee (see A/AC.261/6/Add.1 and A/AC.261/7, annex I) and a global study on the transfer of funds of illicit origin, especially funds derived from acts of corruption, was submitted to the Committee at its fourth session (see A/AC.261/12).

29. In its resolution 58/4 of 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption and opened it for signature at the High-level Political Signing Conference, held in Merida, Mexico, from 9 to 11 December 2003. At the time of writing, there were 111 signatories and 4 parties.

B. Asset recovery provisions

30. In a major breakthrough, the United Nations Convention against Corruption includes a complete and far-reaching set of provisions on asset recovery (chap. V, arts. 51-59). Article 51 explicitly provides that asset recovery is a fundamental principle of the Convention (see also A/58/422/Add.1, para. 48). This is a particularly important issue for many developing countries where high-level corruption has plundered the national treasury and where resources are badly needed for reconstruction and the rehabilitation of societies under new Governments. Reaching agreement on the chapter on asset recovery by the Ad Hoc Committee involved intensive negotiations, as the needs of countries seeking return of illicit assets had to be reconciled with the legal and procedural safeguards of the countries whose assistance was sought.

31. The Convention includes substantive provisions that set out a series of mechanisms, including both civil and criminal recovery procedures, whereby assets can be traced, frozen, seized, forfeited and returned. With regard to return actions, chapter V includes a series of provisions that favour return to the requesting State party, depending on how closely the assets are linked to it in the first place. Thus, funds embezzled from a State are supposed to be returned to it without further conditions (art. 57, para. 3 (a)). Proceeds of other offences covered by the Convention are to be returned to the requesting State party if it establishes ownership or the requested State party recognizes damage to the requesting State party (art. 57, para. 3 (b)). In other cases primary consideration is given to returning assets to the requesting State party or a prior legitimate owner (art. 57, para. 3 (c)). Chapter V of the Convention also provides for mechanisms for direct recovery in civil or other proceedings (art. 53) and a comprehensive framework for international cooperation (arts. 54 and 55), which incorporates the more general mutual legal assistance requirements, mutatis mutandis. Recognizing that recovering assets once transferred and concealed is an exceedingly costly, complex, and all too often unsuccessful process, chapter V also incorporates elements intended to prevent illicit transfers and generate records that can be used should illicit assets eventually have to be traced, frozen, seized and confiscated (art. 52). The identification of experts who can assist developing countries in that process is also included as a form of technical assistance (art. 60, para. 5).

IV. International initiatives

A. Legislative guide for the implementation of the United Nations Convention against Corruption

32. In order to assist States in the ratification and implementation process by identifying legislative requirements, issues arising from those requirements and options available to States in developing and drafting the necessary legislation, the United Nations Office on Drugs and Crime, in close cooperation with the United Nations Interregional Crime and Justice Research Institute, has begun developing a legislative guide for the ratification and implementation of the United Nations Convention against Corruption.

33. The guide will be developed through a fully participatory process with the active involvement of a group of experts from all regions, following the methodology used for the development of the legislative guides for the United Nations Convention against Transnational Organized Crime and the Protocols thereto. The first expert meeting, held in Turin, Italy, from 10 to 12 July 2004, reviewed the contents and structure of the legislative guide, including legislative requirements arising from the provisions on asset recovery. The second expert meeting is scheduled to be held in the first quarter of 2005.

34. The legislative guide will be made available in all official languages and disseminated as widely as possible.

B. Group of Eight

35. The Group of Eight Justice and Home Affairs Ministers met in Washington, D.C., on 11 May 2004 and agreed to take action to advance asset recovery, building upon the mandates of the United Nations Convention against Corruption. The action decided by the ministers of justice and home affairs in order to help victim States recover illicitly acquired assets is as follows:

(a) Establishment of accelerated response teams, consisting of forfeiture-related mutual legal assistance experts, which would be deployed at the request of victim States;

(b) Asset recovery case coordination, which would establish case-specific coordination task forces to work through responses to mutual legal assistance and forfeiture requests;

(c) Asset recovery workshops, which would be held at the regional level, as appropriate, and in coordination with existing regional and international organizations, including the United Nations Office on Drugs and Crime.

36. In addition, the ministers agreed to ensure that the countries of the Group of Eight should adopt laws and procedures to detect, recover and return proceeds of corruption.

37. At the Sea Island Summit, on 10 June 2004, the heads of States of the Group of Eight expressed their support to the commitments made at the meeting of their ministers of justice and home affairs.

C. Commonwealth working group on asset repatriation

38. In the Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity, adopted at the summit in Abuja in December 2003, the Commonwealth heads of Government urged the early signature, ratification and implementation of the United Nations Convention against Corruption by the States members of the Commonwealth. They also pledged maximum cooperation and assistance among their Governments to recover assets of illicit origin and to return them to their countries of origin. To that end, a Commonwealth working group on asset repatriation was established to examine the issue of the recovery of assets of illicit origin and return of those assets to the

countries of origin, focusing on maximizing cooperation and assistance between Governments, as well as to prepare a report with specific recommendations for the advancement of effective action in that area. The United Nations Office on Drugs and Crime was invited to participate as an observer in the meetings of the group.

39. From 14 to 16 June 2004, the first meeting of the Working Group on Asset Repatriation was held in London to discuss issues relating to misappropriation of assets, civil asset forfeiture, movement of funds, tracing and trafficking of assets, mutual assistance, restraint of assets, return of assets and the use of the Harare Scheme, which is a commitment of ministers of justice of the Commonwealth countries to provide mutual assistance in criminal matters.

40. The Working Group is expected to meet three more times in 2004 and 2005 to finalize a report with specific recommendations for the advancement of effective action in asset repatriation, to be submitted to the Commonwealth Heads of Government Meeting to be held in Malta in 2005 through the Commonwealth Secretary-General.

V. Progress made in overcoming obstacles to asset recovery

41. In the report of the Secretary-General of 8 July 2003 on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin (A/58/125), a number of obstacles were identified in asset recovery.

42. The present section illustrates how the newly adopted United Nations Convention against Corruption and the other international initiatives described above might contribute to overcoming the obstacles identified in the previous report of the Secretary-General.

A. Obstacles identified

43. The previous report of the Secretary-General identified the following obstacles to asset recovery:

(a) With regard to recovery actions, four major obstacles were indicated:

(i) Anonymity of transactions impeding the tracing of funds and the prevention of further transfers;

(ii) Lack of technical expertise and resources;

(iii) Lack of harmonization and cooperation;

(iv) Problems in the prosecution and conviction of offenders as a preliminary step to recovery;

(b) Difficulties concerning return actions included:

(i) Concerns about the motivation behind recovery efforts;

(ii) Competing claims within and across States.

B. Possible remedies as a result of recent efforts

44. The United Nations Convention against Corruption and other international initiatives have the potential to offer a number of remedies and solutions to the obstacles and difficulties identified above.

1. Anonymity of transactions impeding the tracing of funds and the prevention of further transfers

45. In addition to the provisions against money-laundering under articles 14, 23 and 24 (see also articles 6 and 7 of the Organized Crime Convention), the Convention against Corruption requires States parties to take measures to prevent and detect transfers of proceeds of crime. Article 52 requires States parties to apply enhanced measures of scrutiny in addition to normal due diligence to accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates.[9] In that connection, the Commonwealth Working Group on Asset Repatriation (see paras. 38-40 above) underlined that the United Nations Convention against Corruption had made an important advance by expanding the scope of application of enhanced scrutiny to any individuals regardless of their nationality. The wider scope of enhanced scrutiny would enable States parties to detect suspicious transactions more effectively.

46. With regard to bank secrecy, article 40 of the Convention requires States parties to ensure that there are appropriate mechanisms available within their domestic legal systems to overcome obstacles that may arise out of the application of bank secrecy laws.

2. Lack of technical expertise and resources

47. The lack of expertise and resources was another obstacle to recovery actions and several ways to finance those recovery actions were suggested in the report of the Secretary-General.

48. In general, chapter VI of the Convention against Corruption includes provisions for training, technical assistance, information exchange and analysis and implementation through economic development and technical assistance that are similar to those contained in the Organized Crime Convention, modified to take account of the broader and more extensive nature of corruption and to exclude some areas of research or analysis seen as specific to organized crime. Also called for is work through international and regional organizations (many of which have already established anti-corruption programmes), research efforts and the contribution of financial resources both directly to developing countries and countries with economies in transition and to the United Nations Office on Drugs and Crime (art. 60, paras. 3-8), which is expected to support pre-ratification assistance. (See paragraph 9 of General Assembly resolution 58/4, in which the Assembly requested the Secretary-General to provide the Office with the resources necessary to enable it to promote in an effective manner the rapid entry into force of the Convention against Corruption.)

49. In particular, development of training programmes relevant to asset recovery is required under article 60, paragraph 1 (e)-(h). Additionally, States parties are

encouraged to cooperate in exchanging the names of experts in asset recovery (art. 60, para. 5) for facilitating recovery actions.

50. In that context, the recommendations contained in the Ministerial Declaration of the Group of Eight Justice and Home Affairs Ministers (see paras. 35-37 above), should be noted in connection with the need for expertise and resources. In particular, the accelerated response teams and asset recovery case coordination proposed by the Group of Eight could have a significant impact in successful recovery actions.

3. Lack of harmonization and cooperation

51. The report of the Secretary-General also pointed out that further obstacles had been created by the diversity of approaches taken by different legal systems with respect to asset recovery, such as diverse standards in evidentiary and procedural rules, the relationship between criminal prosecution and recovery proceedings and the availability of civil forfeiture.

52. The Convention against Corruption provides a new framework for cooperation with a view to asset recovery, while maintaining the flexibility in recovery action that might be warranted by particular circumstances.

53. The new framework under the Convention provides for two alternatives in order to allow flexibility in the way States parties can initiate recovery procedures. Article 53 establishes a regime of direct recovery (see paras. 57 and 58 below), while articles 54 and 55 foresee a regime of international cooperation for confiscation.

54. Under the regime for international cooperation for confiscation set forth in articles 54 and 55, a State party that receives a request for confiscation from another State party is required to take one of the following two options to the extent possible within their domestic legal system: the requested State party must either directly submit for enforcement by its competent authorities an order issued by the requesting State party (art. 55, para. 1 (b)) or it must submit the request to its competent authorities in order to obtain a domestic order of confiscation, to which, if granted, the requested State party would be required to give effect (art. 55, para. 1 (a)).

55. With a view to further facilitating cooperation, article 55 provides guidelines as to what should be included in a request for confiscation (art. 55, para. 3), as well as criteria for refusing cooperation (art. 55, para. 7). Under this article, cooperation may be refused or provisional measures lifted if the requested State party does not receive sufficient and timely evidence. Before lifting any provisional measure, however, a requesting State party shall be given an opportunity to present its reasons in favour of continuing that measure (art. 55, para. 8).

56. In connection with strengthening cooperation in asset recovery, it should be emphasized that the dual criminality requirements are narrowed as much as possible within the fundamental legal requirements of the States that cannot criminalize some of the offences established by the Convention, in order to ensure that States parties that do not criminalize certain forms of conduct would cooperate with other States parties that have done so. This is reflected in the mutual legal assistance provisions, which provide that mutual legal assistance should be available even in

the absence of dual criminality, when the assistance requested involves non-coercive measures. Further, States parties are encouraged to allow a wider scope of assistance without dual criminality where possible (art. 46).

4. Problems in the prosecution and conviction of offenders as a preliminary step to recovery

57. Furthermore, the report of the Secretary-General noted that the recovery of assets could not be sought in many cases until there was a criminal conviction.

58. The provisions of the Convention dealing with civil recovery (arts. 34, 35 and 53) are formulated so as to allow one State party to seek civil recovery from another State party irrespective of criminalization and States parties are encouraged to assist one another in civil matters in the same way as is the case for criminal matters (art. 43, para. 1, which makes cooperation in criminal matters mandatory and calls upon States parties to consider cooperation in civil and administrative matters). These provisions would provide a wider range of options to States parties requesting asset recovery depending on the circumstances involved.

5. Concerns about the motivation behind recovery efforts

59. The previous report indicated concerns that might arise from claims or suspicions that recovery efforts might be politically motivated, as well as doubts harboured by a requested State about whether the requesting State was free from corruption and the fate of the returned funds or assets.

60. Article 57 of the Convention against Corruption addresses those issues by providing objective criteria for the return of assets. According to article 57, the return of recovered assets can be placed in the following three categories:

(a) In the case of embezzlement of public funds, such funds shall be returned to the requesting State party (art. 57, para. 3 (a));

(b) In the case of proceeds of any other offence covered by the Convention, article 57, paragraph 3 (b), provides that such proceeds are to be returned to the requesting State party when it reasonably establishes its prior ownership of such confiscated property to the requested State party or when the requested State party recognizes damage to the requesting State party as a basis for return;

(c) In all other cases, the requested State party shall give priority consideration to returning confiscated property to the requesting State party, returning such property to its prior legitimate owners or compensating the victims of the crime (art. 57, para. 3 (c)).

61. It should be emphasized that article 57, paragraph 2, of the Convention requires that return of assets be carried out taking into account the rights of bona fide third parties.

6. Competing claims within and across States

62. Last but not least, competing claims over the same asset, such as assets embezzled from foreign aid projects, reflect the complexity of return actions.

63. The Convention gives flexibility in how to approach this issue, encouraging States parties to consider concluding arrangements on a case-by-case basis for the final disposal of confiscated property (art. 57, para. 5).

64. With regard to the observations made in paragraphs 44-63 above, the Secretary-General wishes to emphasize that they are not intended to provide a legal interpretation of the Convention.

VI. Conclusions and recommendations

65. **As shown above, much progress has been made with regard to asset recovery by the adoption of the United Nations Convention against Corruption and other international initiatives taken over the past year. In view of this, the Secretary-General submits the following recommendations to the General Assembly for its consideration and action**:

(a) Towards the early entry into force of the Convention. Despite the wide range of opportunities for asset recovery given by the Convention, those opportunities are of no practical use unless the Convention receives the necessary number of ratifications (30) for its entry into force and becomes fully functional. The prompt entry into force of the instrument, to which all participants at the High-level Political Signing Conference attached the highest importance, and subsequently the full implementation of the Convention are matters of urgency, in particular for those who suffer most severely from corrupt practices and illicit transfer of assets. **Based on this, the General Assembly may wish to reiterate its appeal made in its resolutions 58/4 and 58/205, in which it urged all Member States and competent regional economic organizations to sign, ratify and fully implement the United Nations Convention against Corruption as soon as possible in order to ensure its rapid entry into force**;

(b) Need for further cooperation and technical assistance. In connection with the promotion of the entry into force of the Convention, the General Assembly may recall that many government representatives at the High-level Political Signing Conference stressed the importance of assisting developing countries in ratifying and implementing the Convention. **Accordingly, the General Assembly may wish to welcome the initiatives taken by the Group of Eight and the Commonwealth Secretariat with regard to advancing asset recovery in line with the provisions of the United Nations Convention against Corruption. The Assembly may also wish to reiterate its appeal for technical assistance to support national efforts for asset recovery**;

(c) Work of the United Nations Office on Drugs and Crime. With a view to sustaining the political momentum, the United Nations Office on Drugs and Crime has prepared a programme of activities to promote the prompt entry into force of the Convention. It has drawn inspiration from the successful experience gained from the series of activities undertaken to promote the entry into force of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, while tailoring the programme to the specific requirements of the new Convention, including the provisions on asset recovery. **The General Assembly may wish to support the high priority given by the United Nations Office on Drugs and Crime to technical cooperation to promote the signature and ratification of the**

United Nations Convention against Corruption, including the early finalization of the legislative guide for the ratification and implementation of the Convention. In that respect, the Assembly may wish to encourage Member States to provide adequate financial and human resources to pursue such work;

(d) Need for further coordination. While welcoming an increasing number of initiatives taken by Member States for advancing asset recovery, such as the activities of the Group of Eight and the Commonwealth Secretariat, the Secretary-General is of the view that it is essential to coordinate current work in this area with a view to eliminating the risk of duplication of activities and streamlining assistance efforts for asset recovery. **For that reason, the General Assembly may wish to invite further efforts to coordinate existing and future initiatives taken by Member States and other organizations with the work of the United Nations Office on Drugs and Crime in the area of asset recovery.**

Notes

[1] Council of Europe, *European Treaty Series*, No. 174.

[2] Ibid., No. 173.

[3] Ibid., No. 191.

[4] *Official Journal of the European Communities*, C 195.

[5] United Nations, *Treaty Series*, vol. 1862, No. 31704.

[6] *Official Journal of the European Communities*, L 182/1.

[7] Ibid., L 358.

[8] *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).

[9] The *travaux préparatoires* will indicate that the term "close associate" is deemed to encompass persons or companies clearly related to individuals entrusted with prominent public functions (A/58/422/Add.1, para. 50).

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Crime prevention and criminal justice

International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Report of the Secretary-General

Summary

The present report has been prepared in response to General Assembly resolution 58/135 of 22 December 2003. It contains a summary of responses received from Member States in connection with the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. It also highlights the activities of the United Nations Office on Drugs and Crime in promoting the ratification and implementation of the Convention and Protocols, as well as the outcome of the first session of the Conference of the Parties to the Convention.

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I. Introduction

1. By its resolution 55/25 of 15 November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the Convention. By its resolution 55/255 of 31 May 2001, the Assembly adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention.

2. In his report of 4 July 2003 on promoting the ratification of the Convention and the Protocols thereto (A/58/165), the Secretary-General emphasized that the intensification of pre-ratification activities had led to the entry into force of the Organized Crime Convention on 29 September 2003. He recognized the strong support from Member States to the United Nations Office on Drugs and Crime in its work to promote ratification and implementation of the Convention and its Protocols and reiterated the need for States' continuing support for the provision of technical assistance to developing countries and countries with economies in transition to enable them to meet their obligations under the instruments and to take strong and effective measures to prevent and combat transnational organized crime.

3. In its resolution 58/135 of 22 December 2003, entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the General Assembly welcomed the entry into force of the Convention; noted the number of signatures and ratifications of the three Protocols, which was likely to lead to the expected entry into force at an early date of the Trafficking in Persons Protocol and the Migrants Protocol; and requested the Secretary-General to report to it at its fifty-ninth session on the implementation of the resolution. The present report is submitted pursuant to that request.

II. International cooperation in the fight against transnational organized crime

A. Measures adopted by Member States

4. Croatia, Lithuania and Turkey indicated that they had ratified the Organized Crime Convention, the Trafficking in Persons Protocol and the Migrants Protocol and mentioned their efforts to ratify the Firearms Protocol. Mauritius reported its ratification of the Convention.

5. Australia, El Salvador and Germany reported their vigorous work for the ratification of the Convention.

6. Turkey and Mexico reported their voluntary financial contributions to the United Nations Office on Drugs and Crime. Finland reported its financial and other support for the European Institute for Crime Prevention and Control, affiliated with the United Nations, in its activities facilitating the implementation of the

Convention and the Protocols thereto, as well as other regional cooperation it had provided for the fight against transnational organized crime.

7. Costa Rica and Lebanon reported on their efforts and progress in the fight against organized crime, including, in the case of Costa Rica, the creation of a new organization specialized in the fight against organized crime.

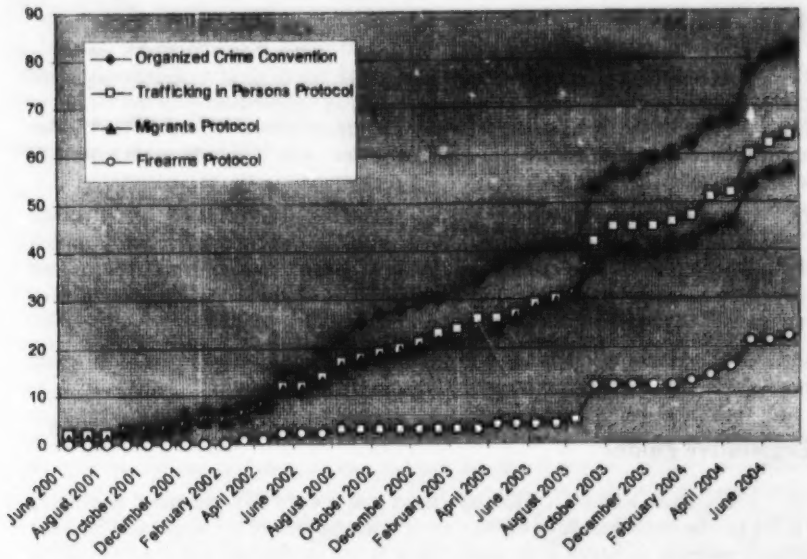
B. Information provided by relevant entities

8. The Division for the Advancement of Women and the International Centre for Migration Policy Development of the Secretariat provided information about activities related to the implementation of resolution 58/135. The main activities of both entities were related to the Trafficking in Persons Protocol and the Migrants Protocol. The Division for the Advancement of Women indicated that it was preparing a guide to help policy makers and practitioners in using international instruments, including the Trafficking in Persons Protocol, in their efforts to combat trafficking in human beings. The International Centre for Migration Policy Development offered support to States in facilitating measures against illegal migration, the development of training programme for law enforcement agencies and judges to counter trafficking in human beings. It reported on its initiative to provide forums in which States could discuss policies and facilitate regional coordination and cooperation, including the Budapest Process, which was a consultative forum of more than 40 Governments and 10 international organizations that addressed irregular migration and sustainable systems for orderly migration in the wider European region.

III. Promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

9. The Organized Crime Convention entered into force on 29 September 2003. With the impetus created by the treaty event organized in New York in September 2003, the Trafficking in Persons Protocol and the Migrants Protocol also entered into force on 25 December 2003 and 28 January 2004, respectively. In addition, the number of ratifications of the Firearms Protocol doubled on the occasion of the treaty event. During 2003, a total of 30 States ratified the Convention, 24 States ratified the Trafficking in Persons Protocol, 20 States ratified the Migrants Protocol and 9 States ratified the Firearms Protocol. At the time of writing the present report, there were 82 parties to the Convention, 64 States parties to the Trafficking in Persons Protocol, 57 States parties to the Migrants Protocol and 22 States parties to the Firearms Protocol (see the figure below). An updated list of ratifications and accessions is provided in the annex to the present report.

Status of ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 9 July 2004



10. The Organized Crime Convention and its Protocols are the first instruments of global application in their field. The entry into force of the Convention and the Trafficking in Persons Protocol and Migrants Protocol will enable States parties to employ those instruments as a basis for international cooperation in fighting transnational organized crime more effectively. The United Nations Office on Drugs and Crime continues to carry out promotion activities aimed at maximizing the number of States parties at the first session of the Conference of the Parties to the Convention, as a short-term objective, and at achieving the universal ratification of and full compliance with the instruments as a long-term goal. The relevant activities have been supported through voluntary contributions to a special account established pursuant to the Convention and operated under the United Nations Crime Prevention and Criminal Justice Fund. The promotion activities will continue to encourage and support specific steps towards ratification of the Convention and its Protocols and will continue to be composed of the following three components: (a) in-depth analysis of existing legislation and relevant institutions; (b) provision of assistance to drafters of legislation and national parliaments in updating and/or adopting legislation and regulations required for compliance with and implementation of the Convention and its Protocols; and (c) assistance to Governments in the establishment and/or reinforcement of international cooperation mechanisms. That approach was followed prior to the entry into force of the instruments. It has proved to be valuable and successful and continues to be relevant to the requirements of those States which have not yet ratified the instruments. The

related activities of the United Nations Office on Drugs and Crime are described briefly below.

A. Treaty event

11. In its resolution 57/173 of 18 December 2002, the General Assembly requested the Secretary-General to organize a treaty event, in cooperation with the Office of Legal Affairs of the Secretariat, in 2003. The treaty event, "Focus 2003: treaties against transnational organized crime and terrorism", was held in New York from 23 to 26 September 2003.

12. The treaty event generated a considerable number of ratifications of the Convention and Protocols: 10 States ratified or acceded to the Convention, 8 ratified the Trafficking in Persons Protocol and 5 the Migrants Protocol, which contributed to the subsequent entry into force of those two Protocols. The number of ratifications of the Firearms Protocol also doubled during the event.

13. The Convention and its three Protocols were also included in the 2004 treaty event devoted to "Treaties on the protection of civilians".

B. Legislative guides

14. The United Nations Office on Drugs and Crime has produced legislative guides for the implementation of the Convention and each of the three Protocols, the primary purpose of which is to assist States in the ratification and implementation process by identifying legislative requirements, issues arising from those requirements and options available to States in developing and drafting the necessary legislation, with samples of legislative provisions and measures adopted by various States. The guides do not engage in interpretation of the instruments. They are geared towards providing advice to States in legislative matters and do not constitute model legislation.

15. The guides have been developed through a fully participatory process with the active involvement of three groups of experts from all regions, one group for the legislative guide for the implementation of the Convention, one for the legislative guides for the Trafficking in Persons Protocol and the Migrants Protocol and one for the legislative guide for the Firearms Protocol. The legislative guides were finalized at a meeting hosted by the Government of Monaco on 5 and 6 September 2003, which provided an opportunity for the three groups of experts, which had worked independently until then, to share their products, as well as to discuss cross-cutting issues and consistency between the legislative guides.

16. The United Nations Office on Drugs and Crime has sought the best way of achieving maximum impact from the legislative guides at the lowest possible cost, while ensuring their widest possible dissemination. The legislative guides will therefore be distributed primarily on CD-ROM and made accessible on the web site of the Office, while a limited number of hard copies will also be produced. The legislative guides were made available to the Conference of the Parties at its first session.

C. Interregional, regional and subregional meetings

17. During the period under review, the United Nations Office on Drugs and Crime continued to organize as well as participate in regional and subregional meetings, which provided important opportunities for States to review progress in the ratification process and to exchange views and experience. Recommendations or declarations resulting from the seminars urged States that had not yet done so to undertake all necessary efforts to ensure ratification of the Convention and its Protocols. More specifically:

(a) The Regional Ministerial Conference of French-Speaking Countries of Africa for the Promotion of Ratification of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto was held in Cairo from 2 to 4 September 2003. The United Nations Office on Drugs and Crime, the Intergovernmental Agency of la Francophonie and the Government of Egypt organized the Conference jointly. The Conference was attended by ministers and other high-level officials from Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, Niger, the Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal and Togo. Participants exchanged views and experience on the requirements for ratification of the Convention and its Protocols and outlined the action that had already been taken in order to bring their legal systems into line with the provisions of the instruments. They also reviewed the specific needs of the African region in that regard. Participants proposed the establishment of a support mechanism for the implementation by States of the instruments, as well as the development of a practical manual for the use of judges, investigators and other officials in full implementation. The Conference adopted the Cairo Declaration (A/C.3/58/4, annex), in which it recommended that the French-speaking States of Africa that were not yet party to the Convention and its Protocols ratify or accede to them as soon as possible;

(b) A regional seminar for countries of the Southern African Development Community was organized by the Institute for Security Studies and the United Nations Office on Drugs and Crime in Mauritius from 23 to 25 September 2003. Approximately 50 experts attended the seminar, from Angola, Botswana, Malawi, Mauritius, Mozambique, Lesotho, Namibia, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, as well as representatives of the Legal Department of the African Union and the United States of America Department of Justice. Presentations on key characteristics of organized crime and the strategic framework of the United Nations Office on Drugs and Crime in the region were followed by individual country reports with regard to the ratification and implementation of the Convention and its Protocols. The seminar provided further insights into the Convention and Protocols, as well as opportunities for participants to share best practices in the region;

(c) A subregional seminar for the ratification and implementation of the universal instruments against terrorism and the Organized Crime Convention and its Protocols was organized by the United Nations Office on Drugs and Crime in close cooperation with the Government of Mali in Bamako from 25 to 28 November 2003. Representatives of the following countries attended the seminar: Benin,

Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Gabon, Gambia, Ghana, Guinea, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone and Togo. The seminar concluded with a series of specific recommendations such as: (i) the need to take the above-mentioned instruments as a legal basis for extradition and mutual legal assistance; (ii) the lifting of bank secrecy for effective international cooperation; (iii) the obligation to prosecute in cases of refusal to extradite; (iv) the impossibility of invoking reasons of a political nature as a basis for denying extradition; and (v) the insertion of the status of ratification of each country in the agenda of the meetings of the subregional and regional organizations;

(d) A workshop on international cooperation on counter-terrorism and the fight against transnational organized crime was organized by the Government of the Sudan and the United Nations Office on Drugs and Crime in Khartoum from 17 to 19 January 2004. The workshop was attended by experts from Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda, as well as by observers from Algeria and Egypt. The following organizations and institutions also participated in the workshop: the African Union, the Commonwealth Secretariat, the Council of Arab Ministers of the interior, the Counter-Terrorism Committee of the Security Council, the European Union, the Intergovernmental Authority on Development, the International Criminal Police Organization (Interpol), the International Monetary Fund, the Institute for Security Studies, the League of Arab States, the Naif Arab University for Security Sciences, the Organization of the Islamic Conference, the African Institute for the Prevention of Crime and the Treatment of Offenders and the Office of the United Nations High Commissioner for Human Rights. Participants adopted the Khartoum Declaration on Terrorism and Transnational Organized Crime, in which member States of the Intergovernmental Authority on Development reaffirmed their commitment to the fight against terrorism and transnational organized crime and expressed their serious concern about the menace those problems posed in the region. Among other issues, the Declaration focused on the technical assistance needs of member States of the Authority with regard to the ratification and implementation of the Organized Crime Convention and its Protocols. Representatives of six member States were planning to request technical assistance concerning legislative implementation of the instruments from the United Nations Office on Drugs and Crime and other international, regional and subregional organizations in the course of 2004;

(e) A regional workshop for Central Asia and the Caucasus on international cooperation against terrorism and transnational organized crime was held in close cooperation between the Government of Turkey and the United Nations Office on Drugs and Crime in Antalya, Turkey, from 23 to 25 February 2004. At the workshop, 60 experts on counter-terrorism and transnational organized crime from Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan, as well as observers from France, Germany, Ukraine and the United States of America exchanged information about relevant laws their States had enacted in order to fight terrorism and transnational organized crime. The final document focused on the technical assistance needed by the participating States with regard to the ratification and implementation of the Convention and its Protocols;

(f) The United Nations Office on Drugs and Crime organized jointly with the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime an expert group meeting on the drafting of model legislation on extradition. The expert group meeting was held back-to-back with a training workshop on extradition in terrorism cases from 2 to 6 December 2003 in Siracusa, Italy. The two meetings served to improve skills in matters relating to extradition, with a view to strengthening the capabilities of domestic criminal justice systems in dealing with matters related to extradition. The meetings served also as an occasion to finalize the revisions to the manual on the model treaties on extradition and mutual assistance in criminal matters, in line with the amendments to those model instruments made by the General Assembly in its resolutions 52/88 of 12 December 1997 and 53/112 of 9 December 1998, respectively, and taking into account the relevant provisions of the Organized Crime Convention and the United Nations Convention against Corruption (General Assembly resolution 58/4, annex). Both the revised manual and the model legislation, to be used in technical assistance programmes and advisory services that may be requested by Member States, will be instrumental to the development of a study on the functioning of extradition and mutual legal assistance through existing mechanisms, including bilateral, regional and multilateral agreements or arrangements, as well as of a guide containing elements that would be useful to States parties to the Organized Crime Convention in meeting their reporting requirements to the Conference of the Parties. The development of the tools, in accordance with paragraph 7 of Assembly resolution 58/135, will be carried out in due time, subject to availability of regular or extrabudgetary funds.

18. Staff of the United Nations Office on Drugs and Crime also made presentations to promote ratification of the Convention and its Protocols at meetings organized by or in cooperation with other entities. A presentation on the Convention was made by the Director of the Division for Treaty Affairs at the International Conference on the Organized Crime Convention and its Protocols, organized by the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime, in cooperation with the Council of Arab Ministers of Justice and of the Interior of the League of Arab States, in Siracusa, Italy, from 15 to 19 September 2003. On 9 and 10 March 2004, the Office contributed to the Arab seminar on the Convention and its Protocols organized by the Council of Arab Ministers of the Interior and the International Institute of Higher Studies in Criminal Sciences in Tunis. Staff also participated in the Conference on Development of Arab Public Prosecution Offices: Perspectives and Challenges, organized by the United Nations Development Programme (UNDP), in cooperation with the Government of Morocco and the United Nations Foundation in Marrakesh, Morocco, on 12 and 13 March 2004. The Conference recommended that UNDP continue to provide assistance to several Arab States in modernizing and developing their public prosecution offices in cooperation and coordination with relevant agencies, in particular the United Nations Office on Drugs and Crime. UNDP was also requested to prepare a technical assistance plan for implementation in the Arab region. On 6 April 2004, the Director of the Division for Treaty Affairs made a presentation on the Firearms Protocol at the thirteenth meeting of the Geneva Process on small arms and light weapons with special focus on the Firearms Protocol.

19. The United Nations Office on Drugs and Crime participated in the World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and

Ministers of Justice, held in Antigua, Guatemala, in February 2004, and attended by representatives of approximately 70 countries.

20. The United Nations Office on Drugs and Crime availed itself of the opportunity created by the holding between March and April 2004 of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, for Africa (see A/CONF.203/RPM.3/1 and Corr.1), West Asia (see A/CONF.203/RPM.4/1), Asia and the Pacific (see A/CONF.203/RPM.1/1) and Latin America and the Caribbean (see A/CONF.203/RPM.2/1), respectively, to conduct a two-day seminar on both the Organized Crime Convention and its Protocols and the Convention against Corruption.

D. Legal assistance and advisory services

21. The United Nations Office on Drugs and Crime provided technical assistance to a number of States, at their request, during the period under review, although responses were limited in some cases by the availability of personnel or resources. Since July 2003, assistance on legislative and other issues relating to ratification has been provided to the Czech Republic (15-17 July), Chile (6-8 August), Bolivia (11-13 August), Venezuela (20 and 21 October), Ecuador (22-24 October) and Colombia (15-21 November 2003). In 2004, two training seminars on trafficking in human beings were held in Viet Nam (19-23 and 26-29 April).

22. In order to use limited financial and human resources as efficiently as possible, a number of workshops held in 2003 and 2004 dealt with the ratification and legislative incorporation of the universal instruments against both terrorism and transnational organized crime. Such assistance was provided in 2003 to Jordan (7-9 July), Croatia (22 and 23 September) and Hungary (1 and 2 October) and in 2004 to the Central African Republic (9-11 February), the United Arab Emirates (29 February-4 March), Guinea (2-7 May), Brazil (31 May-4 June) and the Congo (6-9 July). From 3 to 7 November 2003, a pilot study tour was also organized by the United Nations Office on Drugs and Crime and the Government of Portugal for Portuguese-speaking countries on the ratification and implementation of the Convention and its Protocols, with some 30 participants from eight States and territories, namely, Angola, Brazil, Cape Verde, Guinea-Bissau, Macao Special Administrative Region of China, Mozambique, Sao Tome and Principe and Timor-Leste.

23. Along with the ongoing assistance with its focus on legislative and related issues, the Office has begun to respond to requests concerned with capacity-building in fighting organized crime and related issues of drug trafficking. Accordingly, the Office is shifting the focus of its work from awareness-raising and training seminars to initiatives that strengthen the capacity of field offices and provide a longer-term impact. Such initiatives include the placement in the field of intermediate- and long-term advisers to provide specialized assistance in the creation of specialized units and the establishment of integrity mechanisms for judicial and law enforcement officials. More detailed information on these technical cooperation activities is contained in the report of the Secretary-General on strengthening the United Nations

Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (A/59/205).

24. The Office has received and is in various stages of responding to additional requests from several States, including Armenia, Azerbaijan, Bosnia and Herzegovina, the Congo, Georgia, Kenya, the Gambia, Guatemala, Guinea, Guinea-Bissau, Mongolia, Namibia, Nauru, Rwanda, Thailand, Timor-Leste and Uruguay.

IV. Preparation of the rules of procedure for the Conference of the Parties

25. Pursuant to article 32, paragraph 2, of the United Nations Convention against Transnational Organized Crime, the Conference of the Parties to the Convention should adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of that article. In its resolution 55/25, the General Assembly decided that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime would complete its tasks arising from the elaboration of the Convention by holding a meeting well before the convening of the first session of the Conference of the Parties, in order to prepare the draft text of the rules of procedure for the Conference and other rules and mechanisms described in article 32 of the Convention, which would be communicated to the Conference of the Parties at its first session for consideration and action.

26. Accordingly the Ad Hoc Committee convened and held its thirteenth and final session in Vienna from 2 to 6 February 2004. It based its work on draft rules of procedure prepared by the Secretariat and on proposals and contributions submitted by Governments.

27. The Ad Hoc Committee approved the draft rules of procedure (CTOC/COP/2004/3-A/AC.254/43) and decided to submit them to the Conference of the Parties to the Convention for its consideration and action at its first session, in accordance with resolution 55/25. The Ad Hoc Committee thus paved the way for the effective functioning of the Conference of the Parties, providing a concise, comprehensive and functional procedural framework for the implementation mechanisms of the Convention and its Protocols.

V. Commission on Crime Prevention and Criminal Justice

28. At its thirteenth session, held in Vienna from 11 to 20 May 2004, the Commission on Crime Prevention and Criminal Justice reviewed the steps undertaken by the international community in its efforts to strengthen international cooperation in combating transnational organized crime. In particular, the Commission welcomed the entry into force of the Organized Crime Convention and its first two Protocols as a major achievement in the fight against transnational organized crime and called for the prompt entry into force of the Firearms Protocol and reiterated its appeal to Member States that had not done so to ratify or accede to the Convention and the Protocols. In that connection, several speakers informed the Commission of progress made towards ratification of the instruments, mentioning the complexities of their internal ratification procedures.

29. Appreciation was expressed for the work of the Office in promoting ratification and implementation of the Convention and its Protocols. It was stressed that the ratification of those instruments, in particular the Firearms Protocol, should remain the highest priority of the Secretariat. Given the significance of effective implementation of the Convention and the two Protocols that were already in force, the role of the Conference of the Parties to the Convention in promoting and reviewing implementation was underscored, including particular efforts to be made to ensure the participation of least developed countries in the deliberations of the Conference. The wish was also expressed that the Eleventh United Nations Congress on Crime Prevention and Criminal Justice should provide an opportunity to discuss issues relevant to the implementation of the Convention and its Protocols, as well as to raise awareness about their critical importance for more effective international cooperation.

30. At the conclusion of its discussion, the Commission recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto".[1]

VI. Conference of the Parties

31. Pursuant to article 32 of the United Nations Convention against Transnational Organized Crime, a Conference of the Parties to the Convention was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention.

32. The Conference of the Parties held its first session in Vienna from 28 June to 8 July 2004, with the participation of 57 States parties, 42 signatories and 4 non-signatory States.

33. The Conference of the Parties discussed the desirability and feasibility of establishing a multi-year programme of work on the basis of a note prepared by the Secretariat and a proposal submitted by Australia and New Zealand. The Conference endorsed a work plan for its second session in the following three thematic fields: (a) the basic adaptation of national legislation in accordance with the Convention and its Protocols; (b) criminalization legislation and difficulties encountered in implementation of the instruments; and (c) international cooperation and technical assistance to overcome difficulties identified in implementing the Convention and its Protocols.

34. Taking into account the specific objectives of the two Protocols already in force, the Conference developed further work plans for its second session in order to better organize discussion on the implementation of those Protocols. As regards the Trafficking in Persons Protocol, the work will be: (a) the basic adaptation of national legislation in accordance with the Protocol; (b) criminalization legislation and difficulties encountered in implementation of the Protocol; (c) international cooperation and technical assistance to overcome difficulties identified in implementing the Protocol; and (d) protection of victims and preventive measures, including awareness-raising. As regards the Migrants Protocol, the work plan will

include the following: (a) the basic adaptation of national legislation in accordance with the Protocol; (b) criminalization legislation and difficulties encountered in implementation of the Protocol; (c) international cooperation and technical assistance to overcome difficulties identified in implementing the Protocol; and (d) implementation of articles 15 and 16 of the Protocol.

35. In order to identify the needs and concerns of States in ratifying and implementing the Convention and its Protocols and with a view to collecting information from States parties and signatories to the Convention and the two Protocols already in force, the Secretariat prepared draft questionnaires on the implementation of the instruments in line with the work plans outlined above. The Conference reviewed the questionnaires and endorsed them as amended. Analytical reports based on the responses to the questionnaires will be prepared by the Secretariat and submitted to the Conference of the Parties at its second session.

36. The Conference requested the Secretariat to submit a report to it at its second session containing the full text of notifications, declarations and reservations made by States parties in connection with the Convention and the Protocols.

37. The Conference also decided to request the Secretariat to prepare a working paper for submission and further consideration at its second session that would provide information on technical assistance provided by the Secretariat, as well as on readily available information on technical assistance provided by other relevant international and regional organizations. The paper would also describe the methodology applied by the Secretariat in providing technical assistance and would further incorporate information on relevant action taken by bodies similar to the Conference of the Parties, as well as on methods used and experience gained by such bodies regarding the financing of their technical cooperation activities.

VII. Towards a United Nations system-wide response to organized crime

38. At its spring 2004 session, held in Vienna on 2 and 3 April, the United Nations System Chief Executives Board for Coordination addressed the issue of curbing transnational organized crime, one of the themes highlighted in the Secretary-General's road map on the implementation of the United Nations Millennium Declaration (General Assembly resolution 55/2). The Board reviewed the impact of transnational organized crime in the three critical areas covered by the Millennium Declaration—peace and security; development; and human rights, democracy and good governance—and identified a number of actions that would form part of strategic system-wide response to organized crime. The system-wide response would build on the work and expertise of the relevant agencies and on recent progress in achieving a global consensus on curbing organized crime and corruption (see E/2004/67, paras. 18-23).

39. The Board agreed on a series of measures for immediate implementation as well as a number of broader interventions to be undertaken in the short and medium term by the concerned United Nations organizations, in accordance with their respective mandates, to build an effective inter-agency response to curbing transnational organized crime. The United Nations Office on Drugs and Crime, as the lead body for follow-up to the decisions of the Board, is responsible both for

coordinating the gathering of information on the nature and impact of organized criminal activity in various sectors of concern to the United Nations and the identification of various initiatives under way across the system to counter the problem. Clusters of interested organizations have also been established to ensure timely action for the effective implementation of the measures identified by the Board. A full report on progress made will be provided to the Board at its spring 2005 session.

VIII. Conclusions and recommendations

40. The first session of the Conference of the Parties demonstrated the significant potential of that body to ensure the implementation of the United Nations Convention against Transnational Organized Crime and its Protocols. With the development of a structured work plan, the Conference opted for a knowledge-based approach that is likely to permit it to review the implementation of the Convention and its Protocols in the requested detail and depth. That approach is also likely to provide the Conference with a clear understanding of the difficulties encountered by States parties in the implementation of the instruments. In turn, that understanding will enable the Conference to address the crucial issue of technical assistance in a comprehensive manner, ensuring the impact of such assistance on implementation.

41. International cooperation is as crucial as ever in the fight against organized crime in all its manifestations. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice will provide opportunities to discuss these and other relevant issues, while review of the implementation of the Convention and its Protocols will be carried out by the Conference of the Parties. The success of the Conference will depend on the continued and undiminished support of States and their active involvement in its work. It will also depend on their continued commitment to invest in further strengthening existing mechanisms of international cooperation by providing technical assistance to developing countries and countries with economies in transition. In that way, the main focus would be the improvement of the capacity of their respective law enforcement and criminal justice authorities to deal more effectively with the new forms and dimensions of transnational organized crime, as well as fostering concerted action.

42. The continuing and growing support of States will also be crucial to permit the secretariat of the Conference of the Parties to provide the substantive services required by that body. The first session of the Conference underlined the need for a broad range of specialized analytical support that will be required by the Conference, as well as the need for technical assistance. The demand for such services is expected to increase as the Conference enters the phase of going into more detail in reviewing those provisions of the Convention and the Protocols which have a higher degree of complexity. The high level of specialized services and technical expertise to be provided is likely to require a commensurate strengthening of the resources at the disposal of the Secretariat.

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 10* (E/2004/30), chap. I, sect. A, draft resolution VII.

Annex

Status of ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 20 July 2004

A. Summary of signatures and ratifications

International instrument	*Signatures*	*Ratifications*
United Nations Convention against Transnational Organized Crime	147	82
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	117	64
Protocol against the Smuggling of Migrants by Land, Sea and Air	112	57
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	52	22

B. Ratifications by region

	Date of ratification			
	Organized Crime Convention	*Trafficking in Persons Protocol*	*Migrants Protocol*	*Firearms Protocol*
Africa				
Algeria	7 Oct. 2002	9 March 2004	9 March 2004	
Botswana	29 Aug. 2002	29 Aug. 2002	29 Aug. 2002	
Burkina Faso	15 May 2002	15 May 2002	15 May 2002	15 May 2002
Cape Verde	15 July 2004	15 July 2004	15 July 2004	15 July 2004
Comoros	25 Sept. 2003[a]			
Egypt	5 March 2004	5 March 2004		
Equatorial Guinea	7 Feb. 2003	7 Feb. 2003		
Gambia	5 May 2003	5 May 2003	5 May 2003	
Kenya	16 June 2004[a]			
Lesotho	24 Sept. 2003	24 Sept. 2003		24 Sept. 2003[a]
Libyan Arab Jamahiriya	18 June 2004			
Mali	12 April 2002	12 April 2002	12 April 2002	3 May 2002
Mauritius	21 April 2003	24 Sept. 2003[a]	24 Sept. 2003[a]	24 Sept. 2003[a]
Morocco	19 Sept. 2002			
Namibia	16 Aug. 2002	16 Aug. 2002	16 Aug. 2002	
Nigeria	28 June 2001	28 June 2001	27 Sept. 2001	
Rwanda	26 Sept. 2003	26 Sept. 2003		
Senegal	27 Oct. 2003	27 Oct. 2003	27 Oct. 2003	
Seychelles	22 April 2003	22 June 2004	22 June 2004	
South Africa	20 Feb. 2004	20 Feb. 2004	20 Feb. 2004	20 Feb. 2004

	Date of ratification			
	Organized Crime Convention	*Trafficking in Persons Protocol*	*Migrants Protocol*	*Firearms Protocol*
Togo	2 July 2004			
Tunisia	19 June 2003	19 June 2003	19 June 2003	
Regional total	**22**	**17**	**13**	**6**
Asia and the Pacific				
Afghanistan	24 Sept. 2003			
Bahrain	7 June 2004[a]	7 June 2004[a]	7 June 2004[a]	
China	23 Sept. 2003			
Cook Islands	4 March 2004[a]			
Kyrgyzstan	2 Oct. 2003	2 Oct. 2003	2 Oct. 2003	
Lao People's Democratic Republic	26 Sept. 2003[a]	26 Sept. 2003[a]	26 Sept. 2003[a]	26 Sept. 2003[a]
Micronesia (Federated States of)	24 May 2004[a]			
Myanmar	30 March 2004[a]	30 March 2004[a]	30 March 2004[a]	
Philippines	28 May 2002	28 May 2002	28 May 2002	
Tajikistan	8 July 2002	8 July 2002[a]	8 July 2002[a]	
Uzbekistan	9 Dec. 2003			
Regional total	**11**	**6**	**6**	**1**
Eastern Europe				
Albania	21 Aug. 2002	21 Aug. 2002	21 Aug. 2002	
Armenia	1 July 2003	1 July 2003	1 July 2003	
Azerbaijan	30 Oct. 2003	30 Oct. 2003	30 Oct. 2003	
Belarus	25 June 2003	25 June 2003	25 June 2003	
Bosnia and Herzegovina	24 April 2002	24 April 2002	24 April 2002	
Bulgaria	5 Dec. 2001	5 Dec. 2001	5 Dec. 2001	6 Aug. 2002
Croatia	24 Jan. 2003	24 Jan. 2003	24 Jan. 2003	
Estonia	10 Feb. 2003	12 May 2004	12 May 2004	12 May 2004
Latvia	7 Dec. 2001	25 May 2004	23 April 2003	
Lithuania	9 May 2002	12 June 2003	12 May 2003	
Poland	12 Nov. 2001	26 Sept. 2003	26 Sept. 2003	
Romania	4 Dec. 2002	4 Dec. 2002	4 Dec. 2002	16 April 2004[a]
Serbia and Montenegro[b]	6 Sept. 2001	6 Sept. 2001	6 Sept. 2001	
Russian Federation	26 May 2004	26 May 2004	26 May 2004	
Slovakia	3 Dec. 2003			
Slovenia	21 May 2004	21 May 2004	21 May 2004	21 May 2004
Ukraine	21 May 2004	21 May 2004	21 May 2004	
Regional total	**17**	**16**	**16**	**4**
Latin America and the Caribbean				
Antigua and Barbuda	24 July 2002			
Argentina	19 Nov. 2002	19 Nov. 2002	19 Nov. 2002	
Belize	26 Sept. 2003[a]	26 Sept. 2003[a]		
Brazil	29 Jan. 2004	29 Jan. 2004	29 Jan. 2004	

	Date of ratification			
	Organized Crime Convention	*Trafficking in Persons Protocol*	*Migrants Protocol*	*Firearms Protocol*
Costa Rica	24 July 2002	9 Sept. 2003	7 Aug. 2003	9 Sept. 2003
Ecuador	17 Sept. 2002	17 Sept. 2002	17 Sept. 2002	
El Salvador	18 March 2004	18 March 2004	18 March 2004	18 March 2004
Grenada	21 May 2004[a]	21 May 2004[a]	21 May 2004[a]	21 May 2004[a]
Guatemala	25 Sept. 2003	1 April 2004[a]	1 April 2004[a]	1 April 2004[a]
Honduras	2 Dec. 2003			
Jamaica	29 Sept. 2003	29 Sept. 2003	29 Sept. 2003	29 Sept. 2003
Mexico	4 March 2003	4 March 2003	4 March 2003	10 April 2003
Nicaragua	9 Sept. 2002			
Peru	23 Jan. 2002	23 Jan. 2002	23 Jan. 2002	23 Sept. 2003[a]
Saint Kitts and Nevis	21 May 2004	21 May 2004[a]	21 May 2004[a]	21 May 2004[a]
Venezuela	13 May 2002	13 May 2002		
Regional total	**16**	**13**	**11**	**8**
Western Europe and other States				
Australia	27 May 2004		27 May 2004	
Canada	13 May 2002	13 May 2002	13 May 2002	
Cyprus	22 April 2003	6 Aug. 2003	6 Aug. 2003	6 Aug. 2003
Denmark	30 Sept. 2003	30 Sept. 2003		
Finland	10 Feb. 2004			
France	29 Oct. 2002	29 Oct. 2002	29 Oct. 2002	
Malta	24 Sept. 2003	24 Sept. 2003	24 Sept. 2003	
Monaco	5 June 2001	5 June 2001	5 June 2001	
Netherlands	26 May 2004			
New Zealand	19 July 2002	19 July 2002	19 July 2002	
Norway	23 Sept. 2003	23 Sept. 2003	23 Sept. 2003	23 Sept. 2003
Portugal	10 May 2004	10 May 2004	10 May 2004	
Spain	1 March 2002	1 March 2002	1 March 2002	
Sweden	30 April 2004	1 July 2004		
Turkey	25 March 2003	25 March 2003	25 March 2003	4 May 2004
European Community	21 May 2004			
Regional total	**16**	**12**	**11**	**3**

[a] Accession.

[b] On 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

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Crime prevention and criminal justice

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

Report of the Secretary-General

Summary

The present report, which has been prepared pursuant to General Assembly resolution 58/140 of 22 December 2003, highlights the main developments in the United Nations Crime Prevention and Criminal Justice Programme during the period under review, including the entry into force of the United Nations Convention against Transnational Organized Crime and two of its protocols; the expeditious negotiation and adoption of the United Nations Convention against Corruption and the holding of the High-level Political Signing Conference; the organization of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice; and the convening of the first session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. It also reviews the expansion of the technical cooperation capacity of the Programme in providing assistance to States to enhance their capacity not only to respond more effectively to transnational crime, trafficking in human beings, corruption and terrorism, but also to reinforce their institutional machinery for the maintenance of the rule of law. Finally, it outlines major initiatives related to implementation of standards and norms, research and dissemination of information, coordination of activities and mobilization of resources.

* A/59/150.

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I. Introduction

1. The problems of new and vicious forms of terrorism associated with the spread of organized crime and corruption not only cause grave suffering to large sectors of the world population but are also increasingly regarded as global threats to peace and security. In addition, the poorer the country, the greater the risk that those problems will render development unsustainable. The present report, submitted pursuant to General Assembly resolution 58/140 of 22 December 2003, outlines the work of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in assisting Member States in their efforts to counter those threats through a balanced approach. It also highlights the main developments during the period under review, updating information contained in the report of the Executive Director of 11 February 2004 on the work of the United Nations Office on Drugs and Crime, entitled "Development, security and justice for all" (E/CN.7/2004/9-E/CN.15/2004/2). Related documents include the reports of the Secretary-General on: (a) international cooperation in the fight against transnational organized crime (A/59/204); (b) the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption (A/59/77); (c) preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to their countries of origin (A/59/203); (d) preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/59/123-E/2004/90); (e) strengthening international cooperation and technical assistance and combating terrorism (A/59/187); and (f) the African Institute for the Prevention of Crime and the Treatment of Offenders (A/59/175).

II. The role of the Commission on Crime Prevention and Criminal Justice

2. At its thirteenth session, held in Vienna from 11 to 20 May 2004, the Commission on Crime Prevention and Criminal Justice provided further policy guidance and direction to the Office.[1] In addition to reviewing the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, the Commission held a thematic discussion on the rule of law and development, in which participants stressed the interdependence of rule of law and development and the contribution of operational activities in crime prevention and criminal justice. At the conclusion of its thematic discussion, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly a draft resolution on "Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties" and also recommended that the Council adopt a draft resolution on "The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction".[2] A senior-level discussion was also held on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism. The Commission discussed issues relating to international cooperation in the prevention and control of transnational organized crime, including trafficking in

human beings, corruption and kidnapping, as well as to the use and application of United Nations standards and norms in crime prevention and criminal justice. It recommended 7 draft resolutions for adoption by the General Assembly and 12 draft resolutions for adoption by the Economic and Social Council.

III. Entry into force of the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air: convening of the Conference of the Parties

3. As anticipated in the report of the Secretary-General of 11 August 2003 (A/58/222), the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) entered into force on 29 September 2003. With the impetus created by the treaty event organized in New York in September 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention (Assembly resolution 55/25, annex II), entered into force on 25 December 2003. Finally, on 28 January 2004, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention (Assembly resolution 55/25, annex III), also entered into force. As at July 2004 there were 82 States parties to the Convention, 64 States parties to the Trafficking in Persons Protocol, 57 States parties to the Migrants Protocol and 22 States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention (Assembly resolution 55/255, annex).

4. Despite the progress made, the Firearms Protocol is still waiting for the 40 ratifications required for it to enter into force. By their early ratification or accession to the Protocol, Governments would demonstrate not only their commitment to address the problem but also their determination to take collective action.

5. The attention of the General Assembly is called in that connection to the draft resolutions on "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", "Preventing, combating and punishing trafficking in human organs", "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", recommended for its adoption by the Commission through the Economic and Social Council.[3]

6. Pursuant to article 32 of the Convention, a Conference of the Parties to the Convention was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention and its first session was held in Vienna from 28 June to 8 July 2004. Details are contained in a separate report (A/59/204).

IV. High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption

7. Pursuant to General Assembly resolution 57/169 of 18 December 2002, the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption was held in Merida, Mexico, from 9 to 11 December 2003. Ninety-five States signed the Convention during the Conference. One State also deposited its instrument of ratification. Details are contained in a separate report (A/59/77). As at 26 July 2004, 111 States had signed the Convention and 4 States had ratified it, namely, El Salvador, Kenya, Mexico and Sri Lanka. In accordance with its article 67, paragraph 1, the Convention will be open for signature until 9 December 2005 at United Nations Headquarters in New York. Pursuant to article 68, the Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

8. The United Nations Office on Drugs and Crime has launched a number of initiatives to promote the entry into force of the Convention as soon as possible, thus sustaining the political momentum that allowed the Convention to be negotiated and adopted in less than two years. It has drawn inspiration from the successful experience gained from the series of activities undertaken to promote the entry into force of the Organized Crime Convention and its Protocols, while tailoring the programme to the specific requirements of the new Convention. The Office availed itself of the opportunity created by the holding in March and April 2004 of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to conduct two-day seminars on both the Organized Crime Convention and its Protocols and the Convention against Corruption (see A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

9. The attention of the Assembly is called in that connection to the draft resolution on "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption" recommended for its adoption by the Commission through the Economic and Social Council.[4]

V. Eleventh United Nations Congress on Crime Prevention and Criminal Justice

10. Pursuant to General Assembly resolution 58/138 of 22 December 2003, efforts have been made to continue the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. Details are contained in a separate report (A/59/123-E/2004/90). At its thirteenth session, the Commission on Crime Prevention and Criminal Justice recommended a draft resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice" for adoption by the Assembly.[5]

VI. Technical cooperation and operational activities

11. During the biennium 2002-2003, the United Nations Crime Prevention and Criminal Justice Programme supported technical cooperation activities for the benefit of some 150 States collectively, through seminars, special substantive briefings and training activities, with the provision of direct assistance to some 60 States, covering a wide range of crime prevention and criminal justice issues and resulting in the training of some 2,600 officials, including some 800 women. Technical cooperation activities are implemented within the framework of the four global programmes (against terrorism, organized crime, trafficking in human beings and corruption), as well as in the areas of reconstruction of criminal justice systems, justice reform and crime prevention. They are conducted in a fully integrated manner with the activities of the United Nations International Drug Control Programme under the new organizational structure of the United Nations Office on Drugs and Crime (see ST/SGB/2004/6), especially in areas such as money-laundering, legal assistance and enhancement of judicial cooperation.

A. Preventing terrorism

12. The United Nations Office on Drugs and Crime, in pursuance of its growing mandates in the area of preventing terrorism (see General Assembly resolutions 56/123, 56/261, 57/170, 57/173, 57/292, 58/81, 58/136 and 58/140; Economic and Social Council resolution 2002/19; and Security Council resolutions 1535, 1373 (2001), 1456 (2003) and 1535 (2004)), has been active in providing assistance to Member States, at their request, contributing expertise that is uniquely relevant because it has been developed as a result of years of work in the areas of drug control and crime prevention.

1. Cooperation with the Counter-Terrorism Committee and other partners

13. The Office cooperates closely with and complements the work of the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) of 28 September 2001. The bi-annual coordination meeting of the Committee, which brings together international, regional and subregional organizations, was hosted jointly by the Organization for Security and Cooperation in Europe and the United Nations Office on Drugs and Crime in Vienna on 11 and 12 March 2004. The meeting resulted in the Vienna Declaration (S/2004/276, annex), in which the representatives of the 40 participating organizations agreed to seek ways to coordinate and exchange information and to further improve cooperation and coordination, including, where appropriate, by conducting joint technical assistance programmes or joint visits to States.

14. The importance of exchange of expertise and information with other international and regional organizations, such as the International Monetary Fund, the Council of Europe, the Intergovernmental Authority on Development, the Organization of American States and the Organization for Security and Cooperation in Europe, and with national institutions is emphasized. The Office plans to expand its partnership with relevant organizations in order to enhance their complementary approach and to facilitate an efficient joint response to the needs and requests of Member States.

2. Assistance to Member States

15. Since the launching in October 2002 of the Global Programme against Terrorism, the Terrorism Prevention Branch of the Office has assisted over 80 requesting States, either through country-specific direct assistance or the organization of subregional workshops to facilitate the ratification and implementation of the 12 universal conventions and protocols relating to terrorism. The Global Programme also provides a framework for substantive expertise in international cooperation, taking into account the relevant provisions of those instruments. More details are provided in a separate report (A/59/187).

B. Combating organized crime

16. During 2003, the United Nations Office on Drugs and Crime helped Member States to establish state-of-the-art law enforcement mechanisms, promoting joint methods of international cooperation. Training of law enforcement officials, investigators, prosecutors and judges has been a high priority. The Office has provided specialized training in modern investigative techniques, such as covert intelligence and gathering of off-site evidence, and in the use of advanced intelligence software. It has also collected and promoted best policing practices, facilitating cross-border law enforcement cooperation. In that context, the Global Programme against Organized Crime has contributed to the establishment of a global network of specialists as a step towards implementation of the relevant treaties.

Provision of technical assistance to criminal justice practitioners

17. As a result of the entry into force of the Organized Crime Convention, assistance activities have shifted increasingly to focus on the effective implementation of the Convention, including through the training of relevant officials at the country level. Training seminars have covered best practices in the fight against organized crime and corruption, including in the areas of investigation, international cooperation, collaboration with and protection of witnesses, prevention of organized crime and the development of appropriate legal frameworks. Between 2002 and 2003 training was provided to over 1,000 investigators, prosecutors, judges, intelligence analysts, customs personnel and other officials and during 2003 seminars were conducted in Belarus, Bolivia, Chile, the Czech Republic, Ecuador, Indonesia, Jordan, Mauritius (with participants from the 14 countries of the Southern African region), Serbia and Montenegro, Ukraine and Venezuela.

18. It has been recognized that such training activities have only short-term scope and impact and more sustained interventions have therefore been requested by several Member States. Assistance activity is therefore currently being refocused to follow a longer-term approach to capacity-building, through, inter alia, the appointment of short- and long-term mentors in selected countries. In May 2003 the first mentorship was initiated with the placement of an adviser in Lima, with the aim of enhancing capacity both to effectively investigate, prosecute and adjudicate organized crime and corruption-related cases and to identify and recover illicit assets. Training for law enforcement authorities in the area of witness protection is also being conducted. A mentor has also been appointed to assist the Government of

Guatemala within the framework of the Commission for the investigation of Illegal Groups and Clandestine Security Forces (CICIACS). A programme of technical assistance and training for prosecutors and investigators in the area of organized and serious crime has thus been initiated and assistance with legislative reform is also being provided.

19. It is also intended to appoint a mentor to Ecuador in the near future and at least two additional mentors in 2005, one in West Africa and one in South-East Asia. Several assessment missions have been conducted in Iraq, Kenya and the southern Caucasus to ascertain the nature and extent of organized and serious crime and to determine appropriate technical assistance. A project to curb economic and financial crime in the former Yugoslav Republic of Macedonia is ongoing and a project to assist the Government of South Africa in establishing an effective response to organized crime has been completed.

20. The restructuring of the United Nations Office on Drugs and Crime, as well as the implementation of such projects, has emphasized the importance of building greater capacity at the field office level in the provision of technical assistance to combat and prevent organized crime. The Office has thus been actively engaged in reviewing technical assistance needs in the countries covered by its field offices, ensuring that issues related to combating and preventing organized crime are incorporated into relevant projects.

C. Combating trafficking in human beings, especially women and children

21. Within the framework of the Global Programme against Trafficking in Human Beings, the United Nations Office on Drugs and Crime continued to provide technical assistance to support Member States in their efforts to combat trafficking in human beings, by, inter alia, assisting States in the ratification and full implementation of the Organized Crime Convention, the Trafficking in Persons Protocol and the Migrants Protocol. The Office provides assistance in the investigation of national and international trafficking rings, sharing best practices in identifying the victims, assisting them in facing the immigration and the financial difficulties that they inevitably face once they have been liberated and providing victim protection assistance.

1. Technical assistance

22. Technical assistance projects are being carried out in Benin, Brazil, Colombia, the Czech Republic, Nigeria, the Philippines, Poland, the Republic of Moldova, Slovakia, Togo and Viet Nam, as well as for the Economic Community of West African States and South-East Asia. The projects focus on issues such as assessing trafficking flows, development and implementation of integral national strategies against trafficking in persons, legal assistance in implementing the Trafficking in Persons Protocol, providing training and capacity-building for law enforcement practitioners and the judiciary, awareness-raising, victim support and increasing cooperation between national and regional partners.

23. The United Nations Office on Drugs and Crime is planning further activities in Albania and Lebanon and for countries of the Southern African Development

Community. In Albania, a pilot project to prevent young urban women from becoming victims of trafficking is being implemented and will be used to identify lessons learned and best practices and to set up similar projects throughout the region. Lebanon is receiving legal assistance and capacity-building for law enforcement practitioners and the judiciary. Legislative assistance, the development and adoption of a declaration and plan of action against trafficking in persons in the region and capacity-building is being provided to the States members of the Southern African Development Community.

2. Human trafficking and HIV/AIDS

24. In order to launch activities related to HIV/AIDS and human trafficking, within the framework of the Global Programme against Trafficking in Human Beings and in cooperation with the HIV/AIDS Unit of the United Nations Office on Drugs and Crime, a workshop was organized on cooperation with non-governmental organizations in combating trafficking in human beings. The participating non-governmental organizations from 16 Central and Eastern European countries stressed the importance of issues such as patient confidentiality versus control, mandatory versus voluntary HIV testing for suspected victims of human trafficking, adequate provisions for HIV/AIDS victims, especially child victims, repatriation of trafficked victims with HIV/AIDS and awareness campaigns on HIV/AIDS as a basis for addressing trafficking in developed countries.

D. Promoting anti-corruption policies and measures

25. Corruption distorts markets, erodes the quality of life and hampers development, providing business for a few unethical individuals. Corruption also nurtures crime, terrorism and other threats to human security. Corruption is above all a key cause of economic underperformance and a major obstacle to poverty eradication. While all countries suffer from corruption, the poorer the country the more severe its impact. Within the framework of the Global Programme against Corruption, activities were carried out in the following areas in 2003: (a) providing technical assistance to Member States in strengthening their legal and institutional anti-corruption framework; (b) supporting and servicing international groups of chief justices on strengthening judicial integrity; (c) developing and disseminating anti-corruption policies and tools; and (d) enhancing inter-agency anti-corruption coordination.

1. Technical assistance

26. In the period under review, in the framework of the Global Programme against Corruption, projects were concluded in Hungary and Nigeria, technical assistance continued to be provided to Colombia, Lebanon and South Africa and new projects were launched in Indonesia and the Islamic Republic of Iran. Additional projects are being developed for Afghanistan, Iraq, Kenya, Mozambique, Nigeria, Palestine and South Africa.

27. In line with the Convention against Corruption, the new projects aim to prevent corruption by providing the institutional and regulatory framework necessary to reduce the likelihood of corrupt practices in the first instance. Ensuring

that such a preventive framework is in place in societies severely affected by corruption constitutes the foundation for other technical assistance activities. The Global Programme will enable assistance to be provided to States that focuses in particular on preventive measures in four main areas: development of national policies, strategies and action plans; strengthening of judicial integrity; promoting integrity and anti-corruption in the private and public sectors; and facilitating the recovery of illicit assets.

2. Judicial integrity

28. The objectives of the judicial integrity project are to formulate the concept of judicial integrity and devise a methodology to introduce that concept without compromising the principle of judicial independence; to facilitate a "safe" and productive learning environment for reform-minded chief justices around the world; to raise awareness regarding judicial integrity; and to develop, guide and monitor technical assistance projects aimed at strengthening judicial integrity and capacity. The outputs of that process have included a model action plan for judicial reform; a methodology for the assessment of justice sector integrity and drafting of the Bangalore principles of judicial conduct, which were submitted to the Commission on Human Rights at its fifty-ninth session, in 2003.

3. Inter-agency coordination

29. Since its creation in 1999, the United Nations Office on Drugs and Crime, within the framework of the Global Programme against Corruption, has collaborated closely with other international, regional and bilateral agencies and non-governmental organizations. In 2002, an inter-agency anti-corruption coordination mechanism was launched for the purpose of ensuring improved impact through systematic and continuing coordination and cooperation throughout the United Nations system and with other organizations active in the fight against corruption. In 2003, the United Nations Office on Drugs and Crime organized and conducted two inter-agency anti-corruption coordination meetings, which were attended by more than 15 international entities active in the area, including the Office of Internal Oversight Services and the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme, the Word Bank, the Council of Europe, the European Union, the International Criminal Police Organization (Interpol), the Organisation for Economic Cooperation and Development and various regional development banks.

E. Criminal justice reform and maintenance of the rule of law

30. Where law enforcement, the administration of justice and financial systems are weak, organized crime continues to spread. The work of the United Nations Office on Drugs and Crime has contributed directly to the fulfilment of prerequisites for prosperity and social justice called for in the United Nations Millennium Declaration (General Assembly resolution 55/2), in particular, strengthening the rule of law and promoting democracy and good governance. As the repository of the United Nations standards and norms in crime prevention and criminal justice, the Office has provided advice to several Governments to enhance their capacity to administer criminal law and to reduce crime by promoting the humane treatment of

prisoners, juvenile justice reform, the improvement of prison conditions, victim support and urban security. In its technical cooperation activities in this area, the Office has also provided advice on the drafting of legislation, the establishment of specialized departments and the collection of data relevant to the administration of justice.

Technical assistance

31. The Office continued to explore new ways to maximize the effectiveness of technical assistance, in particular in the reconstruction of justice institutions in peacekeeping and post-conflict situations. In 2003, it supported the development of a programme for criminal justice reconstruction in Afghanistan, including criminal law reform, capacity-building for key criminal justice sectors, such as the Ministry of Justice and the judiciary, prison reform and juvenile justice. The fact-finding mission to Iraq, just days prior to the tragic bombing of the offices of the United Nations Assistance Mission for Iraq in Baghdad, recommended measures to prevent crime and trafficking and promote the establishment of the rule of law, all of which are essential requirements for the restoration of peace and security.

(a) Prevention of urban crime

32. Projects to prevent urban crime are being carried out in Brazil and Senegal: they assist the local authorities to establish neighbourhood police forces and judicial centres in deprived districts and provide special training for personnel working in those public services, by promoting partnerships, systematized collection of data and use of victimization survey methodologies, launching of awareness-raising campaigns and training of staff involved in community prevention programmes. Another project implemented by the Office aims to build up a systematic process of information exchange on crime prevention between the countries of the Caribbean and those of Southern Africa, as part of South-South cooperation.

(b) Juvenile justice and penal reform

33. Projects in the area of juvenile justice are being carried out in Egypt, Jordan and Lebanon. The United Nations Office on Drugs and Crime is planning to expand, upon donor interest, its juvenile justice programme in the region of the Middle East and North Africa. The projects focus on issues such as the situation of girls in closed institutions, setting up a youth care service and reinsertion programmes outside the prison context, establishing a protection section in the youth department of the Ministry of Justice, developing a judicial protection procedure for minors who have been victims of crime, formulating national strategies directed towards the prevention of delinquency and recidivism, the protection of young people in difficult circumstances and the improvement of detention conditions for juveniles. In March 2004, the Office participated in the fourth meeting of the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice, organized and hosted by the United Nations Children's Fund in Morocco. Participants endeavoured to reassess past efforts and developed a number of common initiatives to improve cooperation among the organizations that take part in the Panel. The Office is currently involved in planning penal reform initiatives in the Islamic Republic of Iran and the Lao People's Democratic Republic.

(c) Victim support

34. A project to establish shelters for victims of domestic violence in South Africa has been expanded to include another province during 2003. The centres provide a range of services for the victims and survivors of violence, especially women and children, and rehabilitation services for male perpetrators in order to break the cycle of violence. Based on that project, similar projects to counteract and prevent violence against women are planned for neighbouring countries.

35. A global programme for building up non-governmental support structures for victims of violent crime, including trafficking in persons, has also been initiated. The programme will be aimed at identifying good practices in global victim assistance by funding innovative victim support initiatives, primarily in developing countries and societies in transition. Grants will be made for a number of projects, which will be subject to a special monitoring and evaluation mechanism.

(d) Post-conflict reconstruction

36. The Office participates in the rule of law focal points of the Department of Peacekeeping Operations of the Secretariat and assists in assessing post-conflict situations and in identifying personnel for peacekeeping missions. Closer cooperation with the Department is envisaged in Côte d'Ivoire, Haiti and the Sudan.

37. A comprehensive programme for criminal justice reform and reconstruction has been formulated for Afghanistan and is currently being implemented. Within the overall programme special attention is paid to the role of girls and women within and outside the criminal justice system, so as to prevent gender-related violence and discrimination and to ensure the participation and representation of women in the implementation of all phases of the programme. The programme is composed of three main components that have been developed in close consultation with those concerned, covering the following areas:

(a) *Criminal law reform and criminal justice capacity-building*. This component is aimed at reviewing legislation, refurbishing the offices of the Ministry of Justice and the judiciary, training staff and establishing multi-purpose centres of justice in selected provincial capitals;

(b) *Juvenile justice*. The aim here is to strengthen the juvenile justice administration of the Ministry of Justice, including the establishment of new premises for the youth court in Kabul as well as a special residential institution for offenders aged 15-18;

(c) *Reform of the penitentiary system*. Activities here include the rehabilitation of the prison and detention centre in Kabul and the establishment of a detention centre for women, where special attention will be given to the needs of women with small children; the revision of legislation and the training of prison staff, as well as educational and vocational programmes for detained women to facilitate their social reintegration. The United Nations Office on Drugs and Crime is exploring the possibility to expand the project to the main provinces of the country.

F. Enhancing international and regional judicial cooperation

38. The Office has continued to assist States in implementing the mutual legal assistance and extradition provisions of the international drug, crime and terrorism conventions using an integrated approach. In cooperation with the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime, the Office organized an expert group meeting on the preparation of model legislation on extradition in conjunction with a training workshop on extradition in terrorism cases in Siracusa, Italy, from 2 to 6 December 2003. It also organized an informal expert working group on extradition casework best practice in Vienna in June 2004. The manuals and model laws on extradition and mutual legal assistance have been fully revised and updated. Most advisory service and technical assistance activities include a module on international judicial cooperation.

VII. Other major activities

A. Implementation of United Nations standards and norms in crime prevention and criminal justice

39. The increased importance of standards and norms in crime prevention and criminal justice to all the mandates of the Office, in particular with regard to technical cooperation, was shown by a number of draft resolutions of the Commission on Crime Prevention and Criminal Justice. The Office continued its efforts to promote the use of the United Nations standards and norms in crime prevention and criminal justice in the context of justice reform. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2005, will be an occasion to celebrate 50 years of standard-setting in crime prevention and criminal justice. The Eleventh Congress will have as one of the substantive items on its agenda "Making standards work".

40. In November 2003, the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights provided support to the Government of Austria in convening a symposium on the role of judges in the promotion and protection of human rights: strengthening inter-agency cooperation, to mark the tenth anniversary of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993.[6] The symposium adopted the Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms, which was presented to the General Assembly on International Human Rights Day (A/58/618-S/2003/1145, annex).

41. In accordance with Economic and Social Council resolution 2003/30 of 22 July 2003, adopted by the Council on the recommendation of the Commission on Crime Prevention and Criminal Justice at its twelfth session, in March 2004 the Office convened an intergovernmental expert group meeting, which prepared draft information-gathering instruments in relation to standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice. The meeting also proposed new ways and means of maximizing the

effectiveness of technical assistance to Member States in crime prevention and criminal justice, including in the context of peacekeeping and post-conflict situations to strengthen capacity-building and the promotion of the rule of law.

42. At its thirteenth session, the Commission recommended to the Economic and Social Council that it welcome those efforts and request the Office to convene a meeting of intergovernmental experts to design information-gathering instruments on the next categories of United Nations standards and norms related to legal, institutional and practical arrangements for international cooperation, as well as to crime prevention and victim issues.[7] Furthermore, the Council would request the Office to continue to assist Member States in the use and application of United Nations standards and norms through the development and implementation of technical assistance projects aimed at criminal justice reform, as well as to convene an intergovernmental expert group to develop guidelines on justice for child victims and witnesses of crime.[8] The Council would also request the Office, working in coordination with the United Nations Joint Programme on HIV/AIDS, the World Health Organization and other relevant United Nations entities, to collect information and analyse the situation of HIV/AIDS in pre-trial and correctional facilities, with a view to providing Governments with programmatic and policy guidance.[9]

B. Research and dissemination of information

43. Within the framework of the restructured United Nations Office on Drugs and Crime, special efforts have been made to improve the visibility of the United Nations Crime Prevention and Criminal Justice Programme, including the ongoing maintenance and upgrading of the web site (http://www.unodc.org) and the production of a number of publications and of promotional material on technical assistance projects and best practices.

44. Such publications include the most recent issue of *Forum on Crime and Society*, which was devoted to crime trends. Issues of *Forum* and can be accessed on the Internet (www.unodc.org/unodc/en/crime_cicp_publications_forum.html); updated statistical data on crime and criminal justice from the period 1998-2000 that had been collected from over 90 Member States through the Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (http://www.unodc.org/unodc/en/crime_cicp_survey_seventh.html), which are accessed by a large number of users and a considerable quantity of information is downloaded; detailed assessment reports on the nature and extent of organized crime in the regions of Central Asia and West Africa, which are nearing completion for publication and will include recommendations for possible implementation by the Governments concerned and provide the foundation for future technical assistance activities; reports on strategic trends in organized crime resulting from a project launched jointly by the United Nations Office on Drugs and Crime and Interpol; a draft manual on best practices in preventing and combating organized crime, which is intended to serve as a useful reader supplementing the training seminars that have been conducted; and, in accordance with a draft resolution recommended for adoption to the General Assembly by the Commission on Crime Prevention and Criminal Justice at its thirteenth session,[10] a handbook for use by

the competent authorities of proven and promising practices in the fight against kidnapping.

45. A number of research tools have been developed and utilized in order to establish a database on trends in human trafficking. The database includes data collected from multiple sources on global trends in trafficking, including cross-country routes used. Training manuals to combat trafficking for criminal justice practitioners were finalized for Benin, Nigeria and Togo, as well as for Viet Nam. Similar manuals are in preparation for Colombia and the Economic Community of West African States, as well as a tool kit that will provide examples of good practices. Furthermore, the Office has identified non-governmental cooperation partners worldwide in 45 countries for public service announcements on human trafficking, which will be aired on national and regional television channels.

46. The Office has produced and disseminated the following publications on anti-corruption policies and measures: the *United Nations Manual on Anti-Corruption Policy*; the *United Nations Handbook on Practical Anti-Corruption Measures for Investigators and Prosecutors*; the *Anti-Corruption Toolkit*; and the *Compendium of International Legal Instruments on Corruption*. The Office has also published the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,[11] which is available in the six official languages of the United Nations on the web site of the Office (http://www.unodc.org/unodc/terrorism_documents.html) and contains checklists on obligations under the conventions.

47. A revised version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* is being finalized and the Office has participated in several events relating to its practical application, for example by organizing training courses for law enforcement officials, in cooperation with the International Committee of the Red Cross, or supporting the work of Defence for Children International in promoting the implementation of the United Nations standards and norms in juvenile justice. Under the sponsorship of the Human Security Network, the European Training and Research Centre for Human Rights and Democracy has produced a manual on human rights education, which includes illustrated stories related to the Basic Principles on the Independence of the Judiciary,[12] the Basic Principles on the Role of Lawyers[13] and the Guidelines on the Role of Prosecutors.[14] The Office is also providing support to the European Training and Research Centre in organizing a summer academy on human rights and human security, with a special focus on post-conflict situations. In cooperation with the Government of Portugal, the *Compendium* has been translated into Portuguese and published and, in November 2003, the Office organized a study tour to several criminal justice institutions in Portugal for criminal justice officials of Portuguese-speaking countries and territories, using the standards and norms, the 12 universal instruments against terrorism, the Organized Crime Convention and its Protocols and the Convention against Corruption as training material.

C. Coordination of activities

48. The United Nations Office on Drugs and Crime continued to coordinate the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network. Pursuant to the practice established since the

tenth session of the Commission, institutes of the network organized a workshop, on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice, during the thirteenth session of the Commission on Crime Prevention and Criminal Justice. The workshop was coordinated by the International Centre for Criminal Law Reform and Criminal Justice Policy and the United Nations Interregional Crime and Justice Research Institute. In addition, the eighteenth annual coordination meeting of the Programme network was held in Courmayeur, Italy, on the occasion of the International Conference on Crime and Technology: New Frontiers for Regulation, Law Enforcement and Research, in November 2003, jointly organized with the International Scientific and Professional Advisory Council. Close bilateral contacts were maintained with the members of the Programme network, most notably with the United Nations Interregional Crime and Justice Research Institute, which is involved in the implementation of several projects of global programmes. Representatives of the Office attended the board meetings of the United Nations Interregional Crime and Justice Research Institute, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the African Institute for the Prevention of Crime and the Treatment of Offenders. The institutes are also actively involved in the preparation of the workshops for the Eleventh Crime Congress (see E/CN.15/2004/4).

49. The Office participates in the work of the Executive Committee on Economic and Social Affairs, the Executive Committee on Peace and Security and the United Nations Development Group, continuing to seek effective coordination of its activities with other concerned players. The Office is also a member of the Millennium Project Task Force on Poverty and Economic Development, which addresses cross-cutting issues such as human rights, good governance, drugs and crime. Transnational crime was identified for in-depth review in 2004 as part of the road map towards the implementation of the United Nations Millennium Declaration. A paper prepared for the meeting of the United Nations System Chief Executives Board for Coordination, entitled "Organized crime and corruption are threats to security and development: the role of the United Nations system", presented the results of system-wide consultations through the High-Level Committee on Programmes. At that meeting, a number of specific recommendations were made for follow-up action by the relevant entities of the United Nations system (see E/2004/67).

50. The Office continues to actively coordinate activities relating to human rights in the administration of justice, including juvenile justice, with the Office of the United Nations High Commissioner for Human Rights, by exchange of information and organization of joint activities.

VIII. Mobilization of resources

51. The donor base of the United Nations Crime Prevention and Criminal Justice Programme has been further broadened through active participation at the major donor meetings by both the drug and the crime components of the United Nations Office on Drugs and Crime. Contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund from January 2003 to June 2004 totalled $13,626,894, a 43 per cent increase over the same period in the previous year,

namely, $9,546,300 (A/58/222, para. 56; see annex). Of those contributions, $13,018,434—or more than 95 per cent—were earmarked for specific projects or activities. While the increase in the volume of contributions to fund the expanded mandates of the Programme and to carry out a range of technical cooperation projects constitutes a positive trend, much more remains to be done to achieve a corresponding growth in the proportion of general-purpose funds, which are essential for greater programme flexibility to respond to growing requests for technical assistance from countries in need.

52. The United Nations Crime Prevention and Criminal Justice Fund was originally established in 1967, pursuant to Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, and was initially named the United Nations Trust Fund for Social Defence. It is administered under regulations 4.13, 4.14 and 6.2 of the Financial Regulations of the United Nations and is subject to audit by the Board of Auditors. The Fund has been included in the annual United Nations pledging conference for development activities, in line with General Assembly decision 34/440 of 17 December 1979. In accordance with paragraph 44 of the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme (Assembly resolution 46/152, annex), the Fund was renamed the United Nations Crime Prevention and Criminal Justice Fund and became an integral part of the Programme.

53. Recognizing that the Fund is an invaluable source for increasing the capacity of the United Nations to respond more effectively to the needs of Member States for technical assistance, the General Assembly has over the years repeatedly appealed for increased levels of contributions, including most recently in its resolution 58/140, in which it invited all States to support the operational activities of the Programme, through voluntary contributions to the Fund. Moreover, in its resolution 55/25 of 15 November 2000, the Assembly decided that, until the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided otherwise, the account referred to in article 30 of the Convention would be operated within the United Nations Crime Prevention and Criminal Justice Fund. In its resolution 58/4 of 31 October 2003, the Assembly decided that, until the Conference of the States Parties to the United Nations Convention against Corruption decided otherwise, the account referred to in article 62 of the Convention would also be operated within the United Nations Crime Prevention and Criminal Justice Fund.

IX. Conclusions and recommendations

54. In the last decade, the nature, extent and impact of transnational crime have changed, propelled by the opening of markets and the current process of globalization, facilitated by new communication technologies and pressured by important law enforcement successes. As a result, criminal groups today resemble much more complex networks of business—illegal conglomerates able to blend with legitimate enterprises. Gone are the hierarchical structures (the families, the cartels and the like) specialized in violence, threats and intimidation or confined to the margins of society. Crime has spread to many countries, making its detection more difficult and making international cooperation more essential than ever before. Empirical evidence shows that

organized crime has broadened the scope of its operations, in terms of both the geographical area and the sectors involved. As a result, from transnational and specialized, crime is increasingly becoming transcontinental and diversified, with criminal organizations engaged in smuggling whatever is available for profit, from drugs, cultural property, nuclear materials and firearms to human beings. In addition, while Internet links are fostering economic and financial transactions online, they are also being exploited for sophisticated scams between people who are not aware of each other's identity, location or motives. All this stresses the urgent need for more focused global action against computer crime.

55. Issues of crime and insecurity are of significant concern to the citizens of the world. Those problems must and can be properly tackled. The necessary legal tools for international cooperation in the fight against terrorism, organized crime and corruption have been forged by the international community. The challenge now is to provide adequate support to rely on systems of effective and fair criminal justice across the globe that can further reinforce international cooperation so as to promote safety and security while fostering sustainable development and durable peace.

56. The entry into force of the United Nations Convention against Transnational Organized Crime on 29 September 2003, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 25 December 2003 and of the Protocol against the Smuggling of Migrants by Land, Sea and Air on 28 January 2004 were significant indications of a renewed spirit of international cooperation during the period under review. The adoption of the United Nations Convention against Corruption is another such milestone, as is the convening of the first session of the Conference of Parties to the Organized Crime Convention. Providing assistance to the international community in the implementation of those universal instruments represents a quantum leap for the Programme in terms of required qualified expertise, analytical skills and operational delivery: it encompasses the complex tasks of preparing, organizing and servicing the Conferences of the Parties to the two Conventions to cover the promotion of their ratification process and, above all, the practical application of their provisions by supporting national capacity-building, collecting and analysing relevant data and information, facilitating related international judicial cooperation and law enforcement collaboration, preparing legislative guides and model legislation, as well as developing manuals, tool kits and educational curricula for specialized training of criminal justice officials.

57. The technical cooperation capacity of the Programme has been reinforced and further extended to all the field offices of the United Nations Office on Drugs and Crime, in particular in the areas of criminal justice reform and reconstruction. Technical assistance has also expanded considerably in the area of prevention of terrorism. In order to build upon and enhance the momentum of those positive developments, predictable and increased resources, including general-purpose voluntary contributions, will be needed to implement the additional mandates that necessitate a basic operational framework that would enable the Programme to respond expeditiously and efficiently to new requirements. This is even more crucial when considering that the

implementation rate of the Programme has consistently been well above 100 per cent: 138 per cent for the biennium 2000-2001 and 142 per cent for the biennium 2002-2003 (see A/57/62 and A/59/69). While such high implementation rates may indicate management flexibility, they also demonstrate that compliance with the additional and more demanding mandates has been made possible by excessively and protractively stretching the limited resources available. It is doubtful whether that practice can continue for much longer without incurring the risk of affecting the ability to complete the mandated tasks and without sacrificing the quality of the final outputs to be achieved.

58. Accordingly, the General Assembly may wish to consider ways of engaging in concerted and sustained efforts to address the requirements of the Programme, looking in particular at the disparity between the human and financial resources available and the expanding mandates to be implemented, especially those pertaining to the Convention against Corruption and the Organized Crime Convention and the Protocols thereto.

59. The Assembly may also wish:

(a) To continue to urge Member States to redouble their efforts to ratify or accede to the universal legal instruments against international terrorism, the Organized Crime Convention and its Protocols, in particular the Firearms Protocol, and the Convention against Corruption so as to ensure their full implementation, including by drawing on, where appropriate, the services available for that purpose in the United Nations Office on Drugs and Crime;

(b) To reaffirm the high priority of the United Nations Crime Prevention and Criminal Justice Programme with respect to the enhancement of technical cooperation and the provision of technical advisory services to Member States, upon request, to assist them in meeting the challenges posed by transnational organized crime, trafficking in persons, corruption, international terrorism and criminal justice reform in post-conflict reconstruction, as well as of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice as a forum for discussing emerging issues;

(c) To invite Member States, intergovernmental and non-governmental organizations, international financial institutions and the private sector to make or increase significantly their contributions to the United Nations Crime Prevention and Criminal Justice Fund with a view to enabling the Programme to respond to the increasing demands for technical assistance and to further expand its impact and outreach, including at the field level, as well as to encourage more active participation and involvement of the entire United Nations system in its activities.

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 10* (E/2004/30).

[2] Ibid., chap. I, sect. A, draft resolution II, and sect. B, draft resolution II.

[3] Ibid., chap. I, sect. A, draft resolutions IV, VI and VII.

[4] Ibid., draft resolution V.

[5] Ibid., draft resolution I.

[6] A/CONF.157/24 (Part I), chap. III.

[7] Ibid., 2004, *Supplement No. 10* (E/2004/30), chap. I, sect. B, draft resolution V.

[8] Ibid., draft resolution IV.

[9] Ibid., draft resolution XII.

[10] Ibid., sect. A, draft resolution IV.

[11] United Nations publication, Sales No. E.04.V.7.

[12] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[13] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

[14] Ibid., sect. C.26, annex.

Annex

Contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund, January 2003-June 2004

(United States dollars)

Country/entity	*Total amount pledged*
Austria	880 000
Belgium	260 664
Canada	584 357
Chile	1 000
Colombia	80 000
Croatia	2 264
Czech Republic	36 765
Denmark	372 800
France	306 471
Germany	493 461
Greece	30 000
Hungary	131 899
India	6 000
Italy	5 846 515
Japan	60 000
Liechtenstein	25 000
Malta	(2 500)
Mexico	69 021
Monaco	16 432
Morocco	2 000
Mozambique	33 000
Netherlands	1 583 558
Norway	196 335
Qatar	5 000
Republic of Korea	28 000
Spain	156 576
Sweden	1 109 082
Switzerland	271 726
Tunisia	293
Turkey	50 000
United Kingdom of Great Britain and Northern Ireland	3 152
United States of America	979 271
Venezuela	5 000
SAHRIT Zimbabwe	3 752
Total	**13 626 894**